



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1866

Introduced 2/9/2023, by Sen. Javier L. Cervantes

SYNOPSIS AS INTRODUCED:

See Index

Amends the Auction License Act, the Community Association Manager Licensing and Disciplinary Act, Home Inspector License Act, Real Estate License Act of 2000, Real Estate Appraiser Licensing Act of 2002, and the Appraisal Management Company Registration Act. Makes changes in provisions including: expiration, renewal, and continuing education; restoration; fees, disposition of funds; disciplinary actions, grounds; investigations, notice and hearing; findings and recommendations; restoration of license; and the various relevant boards. Provides for cease and desist orders, statute of limitations, licensing of auction schools, and course approval in the Auction License Act. Makes other changes.

LRB103 26535 AMQ 52898 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Auction License Act is amended by changing
5 Sections 10-30, 10-40, 10-50, 20-15, 20-43, 20-50, 20-65, and
6 30-30 and by adding Sections 20-110, 20-115, 25-110, and
7 25-115 as follows:

8 (225 ILCS 407/10-30)

9 (Section scheduled to be repealed on January 1, 2030)

10 Sec. 10-30. Expiration, renewal, and continuing education.

11 (a) License expiration dates, renewal periods, renewal
12 fees, and procedures for renewal of licenses issued under this
13 Act shall be set by rule of the Department. An entity may renew
14 its license by paying the required fee and by meeting the
15 renewal requirements adopted by the Department under this
16 Section.

17 (b) All renewal applicants must provide proof as
18 determined by the Department of having met the continuing
19 education requirements by the deadline set forth by the
20 Department by rule. At a minimum, the rules shall require an
21 applicant for renewal licensure as an auctioneer to provide
22 proof of the completion of at least 12 hours of continuing
23 education during the pre-renewal period established by the

1 Department for completion of continuing education from schools
2 approved by the Department, as established by rule.

3 (c) The Department, in its discretion, may waive
4 enforcement of the continuing education requirements of this
5 Section and shall adopt rules defining the standards and
6 criteria for such waiver.

7 (d) (Blank).

8 (e) The Department shall not issue or renew a license if
9 the applicant or licensee has an unpaid fine or fee from a
10 disciplinary matter or from a non-disciplinary action imposed
11 by the Department until the fine or fee is paid to the
12 Department or the applicant or licensee has entered into a
13 payment plan and is current on the required payments.

14 (f) The Department shall not issue or renew a license if
15 the applicant or licensee has an unpaid fine or civil penalty
16 imposed by the Department for unlicensed practice until the
17 fine or civil penalty is paid to the Department or the
18 applicant or licensee has entered into a payment plan and is
19 current on the required payments.

20 (Source: P.A. 102-970, eff. 5-27-22.)

21 (225 ILCS 407/10-40)

22 (Section scheduled to be repealed on January 1, 2030)

23 Sec. 10-40. Restoration.

24 (a) A licensee whose license has lapsed or expired shall
25 have 2 years from the expiration date to restore licensure ~~his~~

1 ~~or her license~~ without examination. The expired licensee shall
2 make application to the Department on forms provided by the
3 Department, provide evidence of successful completion of 12
4 hours of approved continuing education during the period of
5 time the license had lapsed, and pay all fees and penalties as
6 established by rule.

7 (b) Notwithstanding any other provisions of this Act to
8 the contrary, any licensee whose license under this Act has
9 expired is eligible to restore such license without paying any
10 lapsed fees and penalties if the license expired while the
11 licensee was:

12 (1) on active duty with the United States Army, United
13 States Marine Corps, United States Navy, United States Air
14 Force, United States Coast Guard, the State Militia called
15 into service or training;

16 (2) engaged in training or education under the
17 supervision of the United States prior to induction into
18 military service; or

19 (3) serving as an employee of the Department, while
20 the employee was required to surrender the ~~his or her~~
21 license ~~due to a possible conflict of interest.~~

22 A licensee shall also be eligible to restore a license
23 under paragraphs (1), (2), and (3) without completing the
24 continuing education requirements for that licensure period.
25 For ~~this subsection for~~ a period of 2 years following the
26 termination of the service or education if the termination was

1 by other than dishonorable discharge and the licensee
2 furnishes the Department with an affidavit specifying that the
3 licensee has been so engaged.

4 (c) At any time after the suspension, revocation,
5 placement on probationary status, or other disciplinary action
6 taken under this Act with reference to any license, the
7 Department may restore the license to the licensee without
8 examination upon the order of the Secretary, if the licensee
9 submits a properly completed application, pays the appropriate
10 fees, and otherwise complies with the conditions of the order.
11 (Source: P.A. 101-345, eff. 8-9-19.)

12 (225 ILCS 407/10-50)

13 (Section scheduled to be repealed on January 1, 2030)

14 Sec. 10-50. Fees; disposition of funds.

15 (a) The Department shall establish by rule a schedule of
16 fees for the administration and maintenance of this Act. Such
17 fees shall be nonrefundable.

18 (b) Prior to July 1, 2023, all fees collected under this
19 Act shall be deposited into the General Professions Dedicated
20 Fund and appropriated to the Department for the ordinary and
21 contingent expenses of the Department in the administration of
22 this Act. Beginning on July 1, 2023, all fees, fines,
23 penalties, or other monies received or collected pursuant to
24 this Act shall be deposited in the Division of Real Estate
25 General Fund. On or after July 1, 2023, the balance of funds

1 collected pursuant to this Act that is in the General
2 Professions Dedicated Fund shall be transferred into the
3 Division of Real Estate General Fund.

4 (Source: P.A. 102-970, eff. 5-27-22.)

5 (225 ILCS 407/20-15)

6 (Section scheduled to be repealed on January 1, 2030)

7 Sec. 20-15. Disciplinary actions; grounds. The Department
8 may refuse to issue or renew a license, may place on probation
9 or administrative supervision, suspend, or revoke any license
10 or may reprimand or take other disciplinary or
11 non-disciplinary action as the Department may deem proper,
12 including the imposition of fines not to exceed \$10,000 for
13 each violation upon any licensee or applicant ~~anyone licensed~~
14 under this Act or any person or entity who holds oneself out as
15 an applicant or licensee for any of the following reasons:

16 (1) False or fraudulent representation or material
17 misstatement in furnishing information to the Department
18 in obtaining or seeking to obtain a license.

19 (2) Violation of any provision of this Act or the
20 rules adopted under this Act.

21 (3) Conviction of or entry of a plea of guilty or nolo
22 contendere, as set forth in subsection (c) of Section
23 10-5, to any crime that is a felony or misdemeanor under
24 the laws of the United States or any state or territory
25 thereof, or entry of an administrative sanction by a

1 government agency in this State or any other jurisdiction.

2 (3.5) Failing to notify the Department, within 30 days
3 after the occurrence, of the information required in
4 subsection (c) of Section 10-5.

5 (4) Being adjudged to be a person under legal
6 disability or subject to involuntary admission or to meet
7 the standard for judicial admission as provided in the
8 Mental Health and Developmental Disabilities Code.

9 (5) Discipline of a licensee by another state, the
10 District of Columbia, a territory of the United States, a
11 foreign nation, a governmental agency, or any other entity
12 authorized to impose discipline if at least one of the
13 grounds for that discipline is the same as or the
14 equivalent to one of the grounds for discipline set forth
15 in this Act or for failing to report to the Department,
16 within 30 days, any adverse final action taken against the
17 licensee by any other licensing jurisdiction, government
18 agency, law enforcement agency, or court, or liability for
19 conduct that would constitute grounds for action as set
20 forth in this Act.

21 (6) Engaging in the practice of auctioneering,
22 conducting an auction, or providing an auction service
23 without a license or after the license was expired,
24 revoked, suspended, or terminated or while the license was
25 inoperative.

26 (7) Attempting to subvert or cheat on the auctioneer

1 exam or any continuing education exam, or aiding or
2 abetting another to do the same.

3 (8) Directly or indirectly giving to or receiving from
4 a person, firm, corporation, partnership, or association a
5 fee, commission, rebate, or other form of compensation for
6 professional service not actually or personally rendered,
7 except that an auctioneer licensed under this Act may
8 receive a fee from another licensed auctioneer from this
9 State or jurisdiction for the referring of a client or
10 prospect for auction services to the licensed auctioneer.

11 (9) Making any substantial misrepresentation or
12 untruthful advertising.

13 (10) Making any false promises of a character likely
14 to influence, persuade, or induce.

15 (11) Pursuing a continued and flagrant course of
16 misrepresentation or the making of false promises through
17 a licensee, agent, employee, advertising, or otherwise.

18 (12) Any misleading or untruthful advertising, or
19 using any trade name or insignia of membership in any
20 auctioneer association or organization of which the
21 licensee is not a member.

22 (13) Commingling funds of others with the licensee's
23 own funds or failing to keep the funds of others in an
24 escrow or trustee account.

25 (14) Failure to account for, remit, or return any
26 moneys, property, or documents coming into the licensee's

1 possession that belong to others, acquired through the
2 practice of auctioneering, conducting an auction, or
3 providing an auction service within 30 days of the written
4 request from the owner of said moneys, property, or
5 documents.

6 (15) Failure to maintain and deposit into a special
7 account, separate and apart from any personal or other
8 business accounts, all moneys belonging to others
9 entrusted to a licensee while acting as an auctioneer,
10 auction firm, or as a temporary custodian of the funds of
11 others.

12 (16) Failure to make available to Department personnel
13 during normal business hours all escrow and trustee
14 records and related documents maintained in connection
15 with the practice of auctioneering, conducting an auction,
16 or providing an auction service within 24 hours after a
17 request from Department personnel.

18 (17) Making or filing false records or reports in the
19 licensee's practice, including, but not limited to, false
20 records or reports filed with State agencies.

21 (18) Failing to voluntarily furnish copies of all
22 written instruments prepared by the auctioneer and signed
23 by all parties to all parties at the time of execution.

24 (19) Failing to provide information within 30 days in
25 response to a written request made by the Department.

26 (20) Engaging in any act that constitutes a violation

1 ~~of Section 2-102, 3-103, or 3-105~~ of the Illinois Human
2 Rights Act.

3 (21) (Blank).

4 (22) Engaging in dishonorable, unethical, or
5 unprofessional conduct of a character likely to deceive,
6 defraud, or harm the public.

7 (23) Offering or advertising real estate for sale or
8 lease at auction without a valid broker or managing
9 broker's license under the Real Estate License Act of
10 1983, or any successor Act, unless exempt from licensure
11 under the terms of the Real Estate License Act of 2000, or
12 any successor Act, except as provided in Section 5-32 of
13 the Real Estate License Act of 2000.

14 (24) Inability to practice the profession with
15 reasonable judgment, skill, or safety as a result of a
16 physical illness, mental illness, or disability.

17 (25) A pattern of practice or other behavior that
18 demonstrates incapacity or incompetence to practice under
19 this Act.

20 (26) Being named as a perpetrator in an indicated
21 report by the Department of Children and Family Services
22 under the Abused and Neglected Child Reporting Act and
23 upon proof by clear and convincing evidence that the
24 licensee has caused a child to be an abused child or a
25 neglected child as defined in the Abused and Neglected
26 Child Reporting Act.

1 (27) Inability to practice with reasonable judgment,
2 skill, or safety as a result of habitual or excessive use
3 or addiction to alcohol, narcotics, stimulants, or any
4 other chemical agent or drug.

5 (28) Willfully failing to report an instance of
6 suspected child abuse or neglect as required by the Abused
7 and Neglected Child Reporting Act.

8 (29) Violating the terms of any order issued by the
9 Department.

10 (Source: P.A. 101-345, eff. 8-9-19; 102-970, eff. 5-27-22.)

11 (225 ILCS 407/20-43)

12 (Section scheduled to be repealed on January 1, 2030)

13 Sec. 20-43. Investigations; notice and hearing. The
14 Department may investigate the actions or qualifications of
15 any person who is an applicant, unlicensed person, or person
16 rendering or offering to render auction services, or holding
17 or claiming to hold a license as a licensed auctioneer. At
18 least 30 days before any disciplinary hearing under this Act,
19 the Department shall: (i) notify the person charged ~~accused~~ in
20 writing of the charges made and the time and place of the
21 hearing; (ii) direct the person ~~accused~~ to file with the Board
22 a written answer under oath to the charges within 20 days of
23 receiving service of the notice; and (iii) inform the person
24 ~~accused~~ that if the person ~~he or she~~ fails to file an answer to
25 the charges within 20 days of receiving service of the notice,

1 ~~a~~ default judgment may be entered and the ~~against him or her,~~
2 ~~or his or her~~ license may be suspended, revoked, placed on
3 probationary status, or other disciplinary action taken with
4 regard to the license as the Department may consider proper,
5 including, but not limited to, limiting the scope, nature, or
6 extent of the licensee's practice, or imposing a fine.

7 At the time and place of the hearing fixed in the notice,
8 the Board shall proceed to hear the charges, and the person
9 ~~accused~~ or person's ~~his or her~~ counsel shall be accorded ample
10 opportunity to present any pertinent statements, testimony,
11 evidence, and arguments in the person's ~~his or her~~ defense.
12 The Board may continue the hearing when it deems it
13 appropriate.

14 Notice of the hearing may be served by ~~personal delivery,~~
15 ~~by certified~~ mail, or, at the discretion of the Department, by
16 an electronic means to the person's ~~licensee's~~ last known
17 address or email address of record.

18 (Source: P.A. 101-345, eff. 8-9-19.)

19 (225 ILCS 407/20-50)

20 (Section scheduled to be repealed on January 1, 2030)

21 Sec. 20-50. Findings and recommendations. At the
22 conclusion of the hearing, the Board shall present to the
23 Secretary a written report of its findings of fact,
24 conclusions of law, and recommendations. The report shall
25 contain a finding whether or not the ~~accused~~ person charged

1 violated this Act or any rules promulgated pursuant to this
2 Act. The Board shall specify the nature of any violations and
3 shall make its recommendations to the Secretary. In making
4 recommendations for any disciplinary action, the Board may
5 take into consideration all facts and circumstances bearing
6 upon the reasonableness of the conduct of the person accused,
7 including, but not limited to, previous discipline of the
8 person accused by the Department, intent, degree of harm to
9 the public and likelihood of future harm to the public, any
10 restitution made by the person accused, and whether the
11 incident or incidents contained in the complaint appear to be
12 isolated or represent a continuing pattern of conduct. In
13 making its recommendations for discipline, the Board shall
14 endeavor to ensure that the severity of the discipline
15 recommended is reasonably proportional to the severity of the
16 violation.

17 The report of the Board's findings of fact, conclusions of
18 law, and recommendations shall be the basis for the
19 Department's decision to refuse to issue, restore, or renew a
20 license, or to take any other disciplinary action. If the
21 Secretary disagrees with the recommendations of the Board, the
22 Secretary may issue an order in contravention of the Board
23 recommendations. The report's findings are not admissible in
24 evidence against the person in a criminal prosecution brought
25 for a violation of this Act, but the hearing and findings are
26 not a bar to a criminal prosecution for the violation of this

1 Act.

2 If the Secretary disagrees in any regard with the report
3 of the Advisory Board, the Secretary may issue an order in
4 contravention of the report. The Secretary shall provide a
5 written report to the Advisory Board on any deviation and
6 shall specify with particularity the reasons for that action
7 in the final order.

8 (Source: P.A. 95-572, eff. 6-1-08; 96-730, eff. 8-25-09.)

9 (225 ILCS 407/20-65)

10 (Section scheduled to be repealed on January 1, 2030)

11 Sec. 20-65. Restoration of license. At any time after the
12 suspension, ~~or~~ revocation, or probation of any license, the
13 Department may restore the license to the ~~accused~~ person upon
14 the written recommendation of the Advisory Board, unless after
15 an investigation and a hearing the Advisory Board determines
16 that restoration is not in the public interest.

17 (Source: P.A. 95-572, eff. 6-1-08.)

18 (225 ILCS 407/20-110 new)

19 Sec. 20-110. Cease and desist orders. The Department may
20 issue a cease and desist order to a person who engages in
21 activities prohibited by this Act. Any person in violation of
22 a cease and desist order issued by the Department is subject to
23 all of the penalties provided by law.

1 (225 ILCS 407/20-115 new)

2 Sec. 20-115. Statute of limitations. No action may be
3 taken under this Act against a person or entity licensed under
4 this Act unless the action is commenced within 5 years after
5 the occurrence of the alleged violation. A continuing
6 violation is deemed to have occurred on the date when the
7 circumstances last existed that gave rise to the alleged
8 continuing violation.

9 (225 ILCS 407/25-110 new)

10 Sec. 25-110. Licensing of auction schools.

11 (a) Only auctions schools licensed by the Department may
12 provide the continuing education courses required for
13 licensure under this Act.

14 (b) Auctions schools may also provide the course required
15 to obtain the real estate auction certification in Section
16 5-32 of the Real Estate License Act of 2000.

17 (c) A person or entity seeking to be licensed as an auction
18 school under this Act shall provide satisfactory evidence of
19 the following:

20 (1) a sound financial base for establishing,
21 promoting, and delivering the necessary courses;

22 (2) a sufficient number of qualified instructors;

23 (3) adequate support personnel to assist with
24 administrative matters and technical assistance;

25 (4) a qualified school administrator, who is

1 responsible for the administration of the school, courses,
2 and the actions of the instructors;

3 (5) proof of good standing with the Secretary of State
4 and authority to conduct business in this State; and

5 (6) any other requirements provided by rule.

6 (d) All applicants for an auction schools license shall
7 make initial application to the Department in a manner
8 prescribed by the Department and pay the appropriate fee as
9 provided by rule. In addition to any other information
10 required to be contained in the application as prescribed by
11 rule, every application for an original or renewed license
12 shall include the applicant's Taxpayer Identification Number.
13 The term, expiration date, and renewal of an auction schools
14 license shall be established by rule.

15 (e) An auction school shall provide each successful course
16 participant with a certificate of completion signed by the
17 school administrator. The format and content of the
18 certificate shall be specified by rule.

19 (f) All auction schools shall provide to the Department a
20 roster of all successful course participants as provided by
21 rule.

22 (225 ILCS 407/25-115 new)

23 Sec. 25-115. Course approval.

24 (a) Only courses that are approved by the Department and
25 offered by licensed auction schools shall be used to meet the

1 requirements of this Act and rules.

2 (b) An auction school licensed under this Act may submit
3 courses to the Department for approval. The criteria,
4 requirements, and fees for courses shall be established by
5 rule.

6 (c) For each course approved, the Department shall issue
7 certification of course approval to the auction school. The
8 term, expiration date, and renewal of a course approval shall
9 be established by rule.

10 (225 ILCS 407/30-30)

11 (Section scheduled to be repealed on January 1, 2030)

12 Sec. 30-30. Auction Advisory Board.

13 (a) There is hereby created the Auction Advisory Board.
14 The Advisory Board shall consist of 7 members and shall be
15 appointed by the Secretary. In making the appointments, the
16 Secretary shall give due consideration to the recommendations
17 by members and organizations of the industry, including, but
18 not limited to, the Illinois State Auctioneers Association.
19 Five members of the Advisory Board shall be licensed
20 auctioneers. One member shall be a public member who
21 represents the interests of consumers and who is not licensed
22 under this Act or the spouse of a person licensed under this
23 Act or who has any responsibility for management or formation
24 of policy of or any financial interest in the auctioneering
25 profession. One member shall be actively engaged in the real

1 estate industry and licensed as a broker or managing broker.
2 The Advisory Board shall annually elect, at its first meeting
3 of the fiscal year, one of its members to serve as Chairperson.

4 (b) The members' terms shall be for 4 years and until a
5 successor is appointed. No member shall be reappointed to the
6 Board for a term that would cause the member's cumulative
7 service to the Board to exceed 12 ~~10~~ years. Appointments to
8 fill vacancies shall be made by the Secretary for the
9 unexpired portion of the term. To the extent practicable, the
10 Secretary shall appoint members to ensure that the various
11 geographic regions of the State are properly represented on
12 the Advisory Board. The Secretary shall remove from the Board
13 any member whose license has been revoked or suspended and may
14 remove any member of the Board for neglect of duty,
15 misconduct, incompetence, or for missing 2 board meetings
16 during any one fiscal year.

17 (c) Four Board members shall constitute a quorum. A quorum
18 is required for all Board decisions. A vacancy in the
19 membership of the Board shall not impair the right of a quorum
20 to exercise all of the rights and perform all of the duties of
21 the Board.

22 (d) Each member of the Advisory Board may receive a per
23 diem stipend in an amount to be determined by the Secretary.
24 While engaged in the performance of duties, each member shall
25 be reimbursed for necessary expenses.

26 (e) Members of the Advisory Board shall be immune from

1 suit in an action based upon any disciplinary proceedings or
2 other acts performed in good faith as members of the Advisory
3 Board.

4 (f) The Advisory Board shall meet as convened by the
5 Department.

6 (g) The Advisory Board shall advise the Department on
7 matters of licensing and education and make recommendations to
8 the Department on those matters and shall hear and make
9 recommendations to the Secretary on disciplinary matters that
10 require a formal evidentiary hearing.

11 (h) The Secretary shall give due consideration to all
12 recommendations of the Advisory Board.

13 (Source: P.A. 102-970, eff. 5-27-22.)

14 Section 10. The Community Association Manager Licensing
15 and Disciplinary Act is amended by changing Sections 25, 32,
16 60, 85, 95, and 130 as follows:

17 (225 ILCS 427/25)

18 (Section scheduled to be repealed on January 1, 2027)

19 Sec. 25. Community Association Manager Licensing and
20 Disciplinary Board.

21 (a) There is hereby created the Community Association
22 Manager Licensing and Disciplinary Board, which shall consist
23 of 7 members appointed by the Secretary. All members must be
24 residents of the State and must have resided in the State for

1 at least 5 years immediately preceding the date of
2 appointment. Five members of the Board must be licensees under
3 this Act. Two members of the Board shall be owners of, or hold
4 a shareholder's interest in, a unit in a community association
5 at the time of appointment who are not licensees under this Act
6 and have no direct affiliation with the community
7 association's community association manager. This Board shall
8 act in an advisory capacity to the Department.

9 (b) The term of each member shall be for 4 years and until
10 that member's successor is appointed. No member shall be
11 reappointed to the Board for a term that would cause the
12 member's cumulative service to the Board to exceed 12 ~~10~~
13 years. Appointments to fill vacancies shall be made by the
14 Secretary for the unexpired portion of the term. The Secretary
15 shall remove from the Board any member whose license has
16 become void or has been revoked or suspended and may remove any
17 member of the Board for neglect of duty, misconduct, ~~or~~
18 incompetence, or for missing 2 board meetings during any one
19 fiscal year. A member who is subject to formal disciplinary
20 proceedings shall be disqualified from all Board business
21 until the charge is resolved. A member also shall be
22 disqualified from any matter on which the member cannot act
23 objectively.

24 (c) Four Board members shall constitute a quorum. A quorum
25 is required for all Board decisions. A vacancy in the
26 membership of the Board shall not impair the right of a quorum

1 to exercise all of the rights and perform all of the duties of
2 the Board.

3 (d) The Board shall elect annually, at its first meeting
4 of the fiscal year, a chairperson and vice chairperson.

5 (e) Each member shall be reimbursed for necessary expenses
6 incurred in carrying out the duties as a Board member. The
7 Board may receive a per diem stipend in an amount to be
8 determined by the Secretary.

9 (f) The Board may recommend policies, procedures, and
10 rules relevant to the administration and enforcement of this
11 Act.

12 (g) Members of the Board shall be immune from suit in an
13 action based upon any disciplinary proceedings or other acts
14 performed in good faith as members of the Board.

15 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22.)

16 (225 ILCS 427/32)

17 (Section scheduled to be repealed on January 1, 2027)

18 Sec. 32. Social Security Number or Individual Taxpayer
19 ~~Federal Tax~~ Identification Number on license application. In
20 addition to any other information required to be contained in
21 the application, every application for an original license
22 under this Act shall include the applicant's Social Security
23 Number or Individual Taxpayer ~~Federal Tax~~ Identification
24 Number, which shall be retained in the Department's records
25 pertaining to the license. As soon as practical, the

1 Department shall assign a customer's identification number to
2 each applicant for a license.

3 Every application for a renewal or restored license shall
4 require the applicant's customer identification number.

5 (Source: P.A. 97-400, eff. 1-1-12; 98-365, eff. 1-1-14.)

6 (225 ILCS 427/60)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 60. Licenses; renewals; restoration; person in
9 military service.

10 (a) The expiration date, fees, and renewal period for each
11 license issued under this Act shall be set by rule. The
12 Department may promulgate rules requiring continuing education
13 and set all necessary requirements for such, including, but
14 not limited to, fees, approved coursework, number of hours,
15 and waivers of continuing education.

16 (b) Any licensee who has an expired license may have the
17 license restored by applying to the Department and filing
18 proof acceptable to the Department of fitness to have the
19 expired license restored, which may include sworn evidence
20 certifying to active practice in another jurisdiction
21 satisfactory to the Department, complying with any continuing
22 education requirements, and paying the required restoration
23 fee.

24 (c) Any person whose license expired while (i) in federal
25 service on active duty with the Armed Forces of the United

1 States or called into service or training with the State
2 Militia, ~~or~~ (ii) in training or education under the
3 supervision of the United States preliminary to induction into
4 the military service, or (iii) serving as an employee of the
5 Department may have the license renewed or restored without
6 paying any lapsed renewal fees and without completing the
7 continuing education requirements for that licensure period
8 if, within 2 years after honorable termination of the service,
9 training, or education, except under condition other than
10 honorable, the licensee furnishes the Department with
11 satisfactory evidence of engagement and that the service,
12 training, or education has been so honorably terminated.

13 (d) A community association manager or community
14 association management firm that notifies the Department, in a
15 manner prescribed by the Department, may place the license on
16 inactive status for a period not to exceed 2 years and shall be
17 excused from the payment of renewal fees until the person
18 notifies the Department in writing of the intention to resume
19 active practice.

20 (e) A community association manager or community
21 association management firm requesting that the license be
22 changed from inactive to active status shall be required to
23 pay the current renewal fee and shall also demonstrate
24 compliance with the continuing education requirements.

25 (f) No licensee with a nonrenewed or inactive license
26 status or community association management firm operating

1 without a designated community association manager shall
2 provide community association management services as set forth
3 in this Act.

4 (g) Any person violating subsection (f) of this Section
5 shall be considered to be practicing without a license and
6 will be subject to the disciplinary provisions of this Act.

7 (h) The Department shall not issue or renew a license if
8 the applicant or licensee has an unpaid fine or fee from a
9 disciplinary matter or from a non-disciplinary action imposed
10 by the Department until the fine or fee is paid to the
11 Department or the applicant or licensee has entered into a
12 payment plan and is current on the required payments.

13 (i) The Department shall not issue or renew a license if
14 the applicant or licensee has an unpaid fine or civil penalty
15 imposed by the Department for unlicensed practice until the
16 fine or civil penalty is paid to the Department or the
17 applicant or licensee has entered into a payment plan and is
18 current on the required payments.

19 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22.)

20 (225 ILCS 427/85)

21 (Section scheduled to be repealed on January 1, 2027)

22 Sec. 85. Grounds for discipline; refusal, revocation, or
23 suspension.

24 (a) The Department may refuse to issue or renew a license,
25 or may place on probation, reprimand, suspend, or revoke any

1 license, or take any other disciplinary or non-disciplinary
2 action as the Department may deem proper and impose a fine not
3 to exceed \$10,000 for each violation upon any licensee or
4 applicant under this Act or any person or entity who holds
5 oneself out as an applicant or licensee for any one or
6 combination of the following causes:

7 (1) Material misstatement in furnishing information to
8 the Department.

9 (2) Violations of this Act or its rules.

10 (3) Conviction of or entry of a plea of guilty or plea
11 of nolo contendere, as set forth in subsection (f) of
12 Section 40, to (i) a felony or a misdemeanor under the laws
13 of the United States, any state, or any other jurisdiction
14 or entry of an administrative sanction by a government
15 agency in this State or any other jurisdiction or (ii) a
16 crime that subjects the licensee to compliance with the
17 requirements of the Sex Offender Registration Act; or the
18 entry of an administrative sanction by a government agency
19 in this State or any other jurisdiction.

20 (4) Making any misrepresentation for the purpose of
21 obtaining a license or violating any provision of this Act
22 or its rules.

23 (5) Professional incompetence.

24 (6) Gross negligence.

25 (7) Aiding or assisting another person in violating
26 any provision of this Act or its rules.

1 (8) Failing, within 30 days, to provide information in
2 response to a request made by the Department.

3 (9) Engaging in dishonorable, unethical, or
4 unprofessional conduct of a character likely to deceive,
5 defraud, or harm the public as defined by the rules of the
6 Department, or violating the rules of professional conduct
7 adopted by the Department.

8 (10) Habitual or excessive use or addiction to
9 alcohol, narcotics, stimulants, or any other chemical
10 agent or drug that results in the inability to practice
11 with reasonable judgment, skill, or safety.

12 (11) Having been disciplined by another state, the
13 District of Columbia, a territory, a foreign nation, or a
14 governmental agency authorized to impose discipline if at
15 least one of the grounds for the discipline is the same or
16 substantially equivalent of one of the grounds for which a
17 licensee may be disciplined under this Act. A certified
18 copy of the record of the action by the other state or
19 jurisdiction shall be prima facie evidence thereof.

20 (12) Directly or indirectly giving to or receiving
21 from any person, firm, corporation, partnership, or
22 association any fee, commission, rebate, or other form of
23 compensation for any services not actually or personally
24 rendered.

25 (13) A finding by the Department that the licensee,
26 after having the license placed on probationary status,

1 has violated the terms of probation.

2 (14) Willfully making or filing false records or
3 reports relating to a licensee's practice, including, but
4 not limited to, false records filed with any State or
5 federal agencies or departments.

6 (15) Being named as a perpetrator in an indicated
7 report by the Department of Children and Family Services
8 under the Abused and Neglected Child Reporting Act and
9 upon proof by clear and convincing evidence that the
10 licensee has caused a child to be an abused child or
11 neglected child as defined in the Abused and Neglected
12 Child Reporting Act.

13 (16) Physical illness or mental illness or impairment
14 that results in the inability to practice the profession
15 with reasonable judgment, skill, or safety.

16 (17) Solicitation of professional services by using
17 false or misleading advertising.

18 (18) A finding that licensure has been applied for or
19 obtained by fraudulent means.

20 (19) Practicing or attempting to practice under a name
21 other than the full name as shown on the license or any
22 other legally authorized name unless approved by the
23 Department.

24 (20) Gross overcharging for professional services
25 including, but not limited to, (i) collection of fees or
26 moneys for services that are not rendered; and (ii)

1 charging for services that are not in accordance with the
2 contract between the licensee and the community
3 association.

4 (21) Improper commingling of personal and client funds
5 in violation of this Act or any rules promulgated thereto.

6 (22) Failing to account for or remit any moneys or
7 documents coming into the licensee's possession that
8 belong to another person or entity.

9 (23) Giving differential treatment to a person that is
10 to that person's detriment on the basis of race, color,
11 sex, ancestry, age, order of protection status, marital
12 status, physical or mental disability, military status,
13 unfavorable discharge from military status, sexual
14 orientation, pregnancy, religion, or national origin.

15 (24) Performing and charging for services without
16 reasonable authorization to do so from the person or
17 entity for whom service is being provided.

18 (25) Failing to make available to the Department, upon
19 request, any books, records, or forms required by this
20 Act.

21 (26) Purporting to be a designated community
22 association manager of a firm without active participation
23 in the firm and having been designated as such.

24 (27) Failing to make available to the Department at
25 the time of the request any indicia of licensure issued
26 under this Act.

1 (28) Failing to maintain and deposit funds belonging
2 to a community association in accordance with subsection
3 (b) of Section 55 of this Act.

4 (29) Violating the terms of any ~~a disciplinary~~ order
5 issued by the Department.

6 (30) Operating a community association management firm
7 without a designated community association manager who
8 holds an active community association manager license.

9 (31) For a designated community association manager,
10 failing to meet the requirements for acting as a
11 designated community association manager.

12 (32) Failing to disclose to a community association
13 any compensation received by a licensee from a third party
14 in connection with or related to a transaction entered
15 into by the licensee on behalf of the community
16 association.

17 (33) Failing to disclose to a community association,
18 at the time of making the referral, that a licensee (A) has
19 greater than a 1% ownership interest in a third party to
20 which it refers the community association; or (B) receives
21 or may receive dividends or other profit sharing
22 distributions from a third party, other than a publicly
23 held or traded company, to which it refers the community
24 association.

25 (b) (Blank).

26 (c) The determination by a circuit court that a licensee

1 is subject to involuntary admission or judicial admission, as
2 provided in the Mental Health and Developmental Disabilities
3 Code, operates as an automatic suspension. The suspension will
4 terminate only upon a finding by a court that the patient is no
5 longer subject to involuntary admission or judicial admission
6 and the issuance of an order so finding and discharging the
7 patient, and upon the recommendation of the Board to the
8 Secretary that the licensee be allowed to resume practice as a
9 licensed community association manager.

10 (d) In accordance with subsection (g) of Section 2105-15
11 of the Department of Professional Regulation Law of the Civil
12 Administrative Code of Illinois (20 ILCS 2105/2105-15), the
13 Department may refuse to issue or renew or may suspend the
14 license of any person who fails to file a return, to pay the
15 tax, penalty, or interest shown in a filed return, or to pay
16 any final assessment of tax, penalty, or interest, as required
17 by any tax Act administered by the Department of Revenue,
18 until such time as the requirements of that tax Act are
19 satisfied.

20 (e) In accordance with subdivision (a)(5) of Section
21 2105-15 of the Department of Professional Regulation Law of
22 the Civil Administrative Code of Illinois (20 ILCS
23 2105/2105-15) and in cases where the Department of Healthcare
24 and Family Services (formerly Department of Public Aid) has
25 previously determined that a licensee or a potential licensee
26 is more than 30 days delinquent in the payment of child support

1 and has subsequently certified the delinquency to the
2 Department, the Department may refuse to issue or renew or may
3 revoke or suspend that person's license or may take other
4 disciplinary action against that person based solely upon the
5 certification of delinquency made by the Department of
6 Healthcare and Family Services.

7 (f) (Blank).

8 (Source: P.A. 102-20, eff. 1-1-22.)

9 (225 ILCS 427/95)

10 (Section scheduled to be repealed on January 1, 2027)

11 Sec. 95. Investigation; notice and hearing. The
12 Department may investigate the actions or qualifications of a
13 person, entity, or other business applying for, holding or
14 claiming to hold, or holding oneself out as having a license or
15 rendering or offering to render services for which a license
16 is required by this Act ~~and may notify their designated~~
17 ~~community association manager, if any, of the pending~~
18 ~~investigation.~~ Before suspending, revoking, placing on
19 probationary status, or taking any other disciplinary action
20 as the Department may deem proper with regard to any license,
21 at least 30 days before the date set for the hearing, the
22 Department shall (i) notify the person charged ~~accused~~ and the
23 person's ~~their~~ designated community association manager, if
24 any, in writing of any charges made and the time and place for
25 a hearing on the charges before the Board, (ii) direct the

1 person accused to file a written answer to the charges with the
2 Board under oath within 20 days after the service on the person
3 ~~accused~~ of such notice, and (iii) inform the person accused
4 that if the person accused fails to file an answer, default
5 will be taken against the person accused and the license of the
6 person accused may be suspended, revoked, placed on
7 probationary status, or other disciplinary action taken with
8 regard to the license, including limiting the scope, nature,
9 or extent of related practice, as the Department may deem
10 proper. The Department shall serve notice under this Section
11 by regular or electronic mail to the person's ~~applicant's or~~
12 ~~licensee's~~ last address of record or email address of record
13 as provided to the Department. If the person accused fails to
14 file an answer after receiving notice, the license may, in the
15 discretion of the Department, be suspended, revoked, or placed
16 on probationary status, or the Department may take whatever
17 disciplinary action deemed proper, including limiting the
18 scope, nature, or extent of the person's practice or the
19 imposition of a fine, without a hearing, if the act or acts
20 charged constitute sufficient grounds for such action under
21 this Act. The answer shall be served by ~~personal delivery or~~
22 regular mail or electronic mail to the Department. At the time
23 and place fixed in the notice, the Department shall proceed to
24 hear the charges and the parties or their counsel shall be
25 accorded ample opportunity to present such statements,
26 testimony, evidence, and argument as may be pertinent to the

1 charges or to the defense thereto. The Department may continue
2 such hearing from time to time. At the discretion of the
3 Secretary after having first received the recommendation of
4 the Board, the ~~accused~~ person's license may be suspended,
5 revoked, or placed on probationary status or the Department
6 may take whatever disciplinary action considered proper,
7 including limiting the scope, nature, or extent of the
8 person's practice or the imposition of a fine if the act or
9 acts charged constitute sufficient grounds for that action
10 under this Act. A copy of the Department's final disciplinary
11 order shall be delivered to the person's ~~accused's~~ designated
12 community association manager or may be sent to the community
13 association that, if the accused is directly employs the
14 person employed by a community association, to the board of
15 managers of that association if known to the Department.

16 (Source: P.A. 102-20, eff. 1-1-22.)

17 (225 ILCS 427/130)

18 (Section scheduled to be repealed on January 1, 2027)

19 Sec. 130. Restoration of ~~suspended or revoked~~ license. At
20 any time after the successful completion of a term of
21 suspension, ~~or~~ revocation, or probation of a license, the
22 Department may restore it to the licensee, upon the written
23 recommendation of the Board, unless after an investigation and
24 a hearing the Board determines that restoration is not in the
25 public interest.

1 (Source: P.A. 96-726, eff. 7-1-10.)

2 Section 15. The Home Inspector License Act is amended by
3 changing Sections 5-10, 5-14, 5-16, 5-17, 15-10, 15-11, 15-15,
4 and 25-27 as follows:

5 (225 ILCS 441/5-10)

6 (Section scheduled to be repealed on January 1, 2027)

7 Sec. 5-10. Application for home inspector license.

8 (a) Every natural person who desires to obtain a home
9 inspector license shall:

10 (1) apply to the Department in a manner prescribed by
11 the Department and accompanied by the required fee; all
12 applications shall contain the information that, in the
13 judgment of the Department, enables the Department to pass
14 on the qualifications of the applicant for a license to
15 practice as a home inspector as set by rule;

16 (2) be at least 18 years of age;

17 (3) successfully complete a 4-year course of study in
18 a high school or secondary school or an equivalent course
19 of study approved by the state in which the school is
20 located, or possess a State of Illinois High School
21 Diploma, which shall be verified under oath by the
22 applicant;

23 (4) personally take and pass a written examination ~~and~~
24 ~~a field examination~~ authorized by the Department; and

1 (5) prior to taking the examination, provide evidence
2 to the Department that the applicant has successfully
3 completed the prerequisite classroom hours of instruction
4 in home inspection, as established by rule.

5 (b) The Department shall not require applicants to report
6 the following information and shall not consider the following
7 criminal history records in connection with an application for
8 licensure or registration:

9 (1) juvenile adjudications of delinquent minors as
10 defined in Section 5-105 of the Juvenile Court Act of 1987
11 subject to the restrictions set forth in Section 5-130 of
12 that Act;

13 (2) law enforcement records, court records, and
14 conviction records of an individual who was 17 years old
15 at the time of the offense and before January 1, 2014,
16 unless the nature of the offense required the individual
17 to be tried as an adult;

18 (3) records of arrest not followed by a charge or
19 conviction;

20 (4) records of arrest where the charges were dismissed
21 unless related to the practice of the profession; however,
22 applicants shall not be asked to report any arrests, and
23 an arrest not followed by a conviction shall not be the
24 basis of denial and may be used only to assess an
25 applicant's rehabilitation;

26 (5) convictions overturned by a higher court; or

1 (6) convictions or arrests that have been sealed or
2 expunged.

3 (c) An applicant or licensee shall report to the
4 Department, in a manner prescribed by the Department, upon
5 application and within 30 days after the occurrence, if during
6 the term of licensure, (i) any conviction of or plea of guilty
7 or nolo contendere to forgery, embezzlement, obtaining money
8 under false pretenses, larceny, extortion, conspiracy to
9 defraud, or any similar offense or offenses or any conviction
10 of a felony involving moral turpitude, (ii) the entry of an
11 administrative sanction by a government agency in this State
12 or any other jurisdiction that has as an essential element
13 dishonesty or fraud or involves larceny, embezzlement, or
14 obtaining money, property, or credit by false pretenses, or
15 (iii) a crime that subjects the licensee to compliance with
16 the requirements of the Sex Offender Registration Act.

17 (d) Applicants have 3 years after the date of the
18 application to complete the application process. If the
19 process has not been completed within 3 years, the application
20 shall be denied, the fee forfeited, and the applicant must
21 reapply and meet the requirements in effect at the time of
22 reapplication.

23 (Source: P.A. 102-20, eff. 1-1-22; 102-1100, eff. 1-1-23.)

24 (225 ILCS 441/5-14)

25 (Section scheduled to be repealed on January 1, 2027)

1 Sec. 5-14. Social Security Number or Individual Taxpayer
2 Identification Number on license application. In addition to
3 any other information required to be contained in the
4 application, every application for an original, renewal,
5 reinstated, or restored license under this Act shall include
6 the applicant's Social Security Number or Individual Taxpayer
7 Identification Number.

8 (Source: P.A. 97-226, eff. 7-28-11.)

9 (225 ILCS 441/5-16)

10 (Section scheduled to be repealed on January 1, 2027)

11 Sec. 5-16. Renewal of license.

12 (a) The expiration date and renewal period for a home
13 inspector license issued under this Act shall be set by rule.
14 Except as otherwise provided in subsections (b) and (c) of
15 this Section, the holder of a license may renew the license
16 within 90 days preceding the expiration date by:

17 (1) completing and submitting to the Department a
18 renewal application in a manner prescribed by the
19 Department;

20 (2) paying the required fees; and

21 (3) providing evidence of successful completion of the
22 continuing education requirements through courses approved
23 by the Department given by education providers licensed by
24 the Department, as established by rule.

25 (b) A home inspector whose license under this Act has

1 expired may renew the license for a period of 2 years following
2 the expiration date by complying with the requirements of
3 subparagraphs (1), (2), and (3) of subsection (a) of this
4 Section and paying any late penalties established by rule.

5 (c) Notwithstanding subsection (b), a home inspector whose
6 license under this Act has expired may renew the license
7 without paying any lapsed renewal fees or late penalties and
8 without completing the continuing education requirements for
9 that licensure period if ~~(i)~~ the license expired while the
10 home inspector was (i) in federal service on active duty with
11 the Armed Forces of the United States or called into service or
12 training with the State Militia, (ii) in training or education
13 under the supervision of the United States preliminary to
14 induction into the military service, or (iii) serving as an
15 employee of the Department and within 2 years after the
16 termination of the service, training, or education, the
17 licensee furnishes the Department with satisfactory evidence
18 of service, training, or education and was terminated under
19 honorable conditions ~~on active duty with the United States~~
20 ~~Armed Services, (ii) application for renewal is made within 2~~
21 ~~years following the termination of the military service or~~
22 ~~related education, training, or employment, and (iii) the~~
23 ~~applicant furnishes to the Department an affidavit that the~~
24 ~~applicant was so engaged.~~

25 (d) The Department shall provide reasonable care and due
26 diligence to ensure that each licensee under this Act is

1 provided a renewal application at least 90 days prior to the
2 expiration date, but it is the responsibility of each licensee
3 to renew the license prior to its expiration date.

4 (e) The Department shall not issue or renew a license if
5 the applicant or licensee has an unpaid fine or fee from a
6 disciplinary matter or from a non-disciplinary action imposed
7 by the Department until the fine or fee is paid to the
8 Department or the applicant or licensee has entered into a
9 payment plan and is current on the required payments.

10 (f) The Department shall not issue or renew a license if
11 the applicant or licensee has an unpaid fine or civil penalty
12 imposed by the Department for unlicensed practice until the
13 fine or civil penalty is paid to the Department or the
14 applicant or licensee has entered into a payment plan and is
15 current on the required payments.

16 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22.)

17 (225 ILCS 441/5-17)

18 (Section scheduled to be repealed on January 1, 2027)

19 Sec. 5-17. Renewal of home inspector license; entity.

20 (a) The expiration date and renewal period for a home
21 inspector license for an entity that is not a natural person
22 shall be set by rule. The holder of a license may renew the
23 license within 90 days preceding the expiration date by
24 completing and submitting to the Department a renewal
25 application in a manner prescribed by the Department and

1 paying the required fees.

2 (b) An entity that is not a natural person whose license
3 under this Act has expired may renew the license for a period
4 of 2 years following the expiration date by complying with the
5 requirements of subsection (a) of this Section and paying any
6 late penalties established by rule.

7 (c) The Department shall not issue or renew a license if
8 the applicant or licensee has an unpaid fine or fee from a
9 disciplinary matter or from a non-disciplinary action imposed
10 by the Department until the fine or fee is paid to the
11 Department or the applicant or licensee has entered into a
12 payment plan and is current on the required payments.

13 (d) The Department shall not issue or renew a license if
14 the applicant or licensee has an unpaid fine or civil penalty
15 imposed by the Department for unlicensed practice until the
16 fine or civil penalty is paid to the Department or the
17 applicant or licensee has entered into a payment plan and is
18 current on the required payments.

19 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22.)

20 (225 ILCS 441/15-10)

21 (Section scheduled to be repealed on January 1, 2027)

22 Sec. 15-10. Grounds for disciplinary action.

23 (a) The Department may refuse to issue or renew, or may
24 revoke, suspend, place on probation, reprimand, or take other
25 disciplinary or non-disciplinary action as the Department may

1 deem appropriate, including imposing fines not to exceed
2 \$25,000 for each violation upon any licensee or applicant
3 under this Act or any person or entity who holds oneself out as
4 an applicant or licensee, ~~with regard to any license~~ for any
5 one or combination of the following:

6 (1) Fraud or misrepresentation in applying for, or
7 procuring a license under this Act or in connection with
8 applying for renewal of a license under this Act.

9 (2) Failing to meet the minimum qualifications for
10 licensure as a home inspector established by this Act.

11 (3) Paying money, other than for the fees provided for
12 by this Act, or anything of value to an employee of the
13 Department to procure licensure under this Act.

14 (4) Conviction of, or plea of guilty or nolo
15 contendere, or finding as enumerated in subsection (c) of
16 Section 5-10, under the laws of any jurisdiction of the
17 United States: (i) that is a felony, misdemeanor, or
18 administrative sanction, or (ii) that is a crime that
19 subjects the licensee to compliance with the requirements
20 of the Sex Offender Registration Act.

21 (5) Committing an act or omission involving
22 dishonesty, fraud, or misrepresentation with the intent to
23 substantially benefit the licensee or another person or
24 with the intent to substantially injure another person.

25 (6) Violating a provision or standard for the
26 development or communication of home inspections as

1 provided in Section 10-5 of this Act or as defined in the
2 rules.

3 (7) Failing or refusing to exercise reasonable
4 diligence in the development, reporting, or communication
5 of a home inspection report, as defined by this Act or the
6 rules.

7 (8) Violating a provision of this Act or the rules.

8 (9) Having been disciplined by another state, the
9 District of Columbia, a territory, a foreign nation, a
10 governmental agency, or any other entity authorized to
11 impose discipline if at least one of the grounds for that
12 discipline is the same as or substantially equivalent to
13 one of the grounds for which a licensee may be disciplined
14 under this Act.

15 (10) Engaging in dishonorable, unethical, or
16 unprofessional conduct of a character likely to deceive,
17 defraud, or harm the public.

18 (11) Accepting an inspection assignment when the
19 employment itself is contingent upon the home inspector
20 reporting a predetermined analysis or opinion, or when the
21 fee to be paid is contingent upon the analysis, opinion,
22 or conclusion reached or upon the consequences resulting
23 from the home inspection assignment.

24 (12) Developing home inspection opinions or
25 conclusions based on the race, color, religion, sex,
26 national origin, ancestry, age, marital status, family

1 status, physical or mental disability, military status,
2 unfavorable discharge from military status, sexual
3 orientation, order of protection status, ~~or~~ pregnancy, or
4 any other protected class as defined under the Illinois
5 Human Rights Act, of the prospective or present owners or
6 occupants of the area or property under home inspection.

7 (13) Being adjudicated liable in a civil proceeding on
8 grounds of fraud, misrepresentation, or deceit. In a
9 disciplinary proceeding based upon a finding of civil
10 liability, the home inspector shall be afforded an
11 opportunity to present mitigating and extenuating
12 circumstances, but may not collaterally attack the civil
13 adjudication.

14 (14) Being adjudicated liable in a civil proceeding
15 for violation of a State or federal fair housing law.

16 (15) Engaging in misleading or untruthful advertising
17 or using a trade name or insignia of membership in a home
18 inspection organization of which the licensee is not a
19 member.

20 (16) Failing, within 30 days, to provide information
21 in response to a written request made by the Department.

22 (17) Failing to include within the home inspection
23 report the home inspector's license number and the date of
24 expiration of the license. The names of (i) all persons
25 who conducted the home inspection; and (ii) all persons
26 who prepared the subsequent written evaluation or any part

1 thereof must be disclosed in the report. It is a violation
2 of this Act for a home inspector to sign a home inspection
3 report knowing that the names of all such persons have not
4 been disclosed in the home inspection report.

5 (18) Advising a client as to whether the client should
6 or should not engage in a transaction regarding the
7 residential real property that is the subject of the home
8 inspection.

9 (19) Performing a home inspection in a manner that
10 damages or alters the residential real property that is
11 the subject of the home inspection without the consent of
12 the owner.

13 (20) Performing a home inspection when the home
14 inspector is providing or may also provide other services
15 in connection with the residential real property or
16 transaction, or has an interest in the residential real
17 property, without providing prior written notice of the
18 potential or actual conflict and obtaining the prior
19 consent of the client as provided by rule.

20 (21) Aiding or assisting another person in violating
21 any provision of this Act or rules adopted under this Act.

22 (22) Inability to practice with reasonable judgment,
23 skill, or safety as a result of habitual or excessive use
24 or addiction to alcohol, narcotics, stimulants, or any
25 other chemical agent or drug.

26 (23) A finding by the Department that the licensee,

1 after having the license placed on probationary status,
2 has violated the terms of probation.

3 (24) Willfully making or filing false records or
4 reports related to the practice of home inspection,
5 including, but not limited to, false records filed with
6 State agencies or departments.

7 (25) Charging for professional services not rendered,
8 including filing false statements for the collection of
9 fees for which services are not rendered.

10 (26) Practicing under a false or, except as provided
11 by law, an assumed name.

12 (27) Cheating on or attempting to subvert the
13 licensing examination administered under this Act.

14 (28) Engaging in any of the following prohibited
15 fraudulent, false, deceptive, or misleading advertising
16 practices:

17 (i) advertising as a home inspector or operating a
18 home inspection business entity unless there is a duly
19 licensed home inspector responsible for all inspection
20 activities and all inspections;

21 (ii) advertising that contains a misrepresentation
22 of facts or false statements regarding the licensee's
23 professional achievements, degrees, training, skills,
24 or qualifications in the home inspection profession or
25 any other profession requiring licensure;

26 (iii) advertising that makes only a partial

1 disclosure of relevant facts related to pricing or
2 home inspection services; and

3 (iv) advertising that claims this State or any of
4 its political subdivisions endorse the home inspection
5 report or its contents.

6 (29) Disclosing, except as otherwise required by law,
7 inspection results or client information obtained without
8 the client's written consent. A home inspector shall not
9 deliver a home inspection report to any person other than
10 the client of the home inspector without the client's
11 written consent.

12 (30) Providing fees, gifts, waivers of liability, or
13 other forms of compensation or gratuities to persons
14 licensed under any real estate professional licensing act
15 in this State as consideration or inducement for the
16 referral of business.

17 (31) Violating the terms of any order issued by the
18 Department.

19 (b) The Department may suspend, revoke, or refuse to issue
20 or renew an education provider's license, may reprimand, place
21 on probation, or otherwise discipline an education provider
22 licensee, and may suspend or revoke the course approval of any
23 course offered by an education provider, for any of the
24 following:

25 (1) Procuring or attempting to procure licensure by
26 knowingly making a false statement, submitting false

1 information, making any form of fraud or
2 misrepresentation, or refusing to provide complete
3 information in response to a question in an application
4 for licensure.

5 (2) Failing to comply with the covenants certified to
6 on the application for licensure as an education provider.

7 (3) Committing an act or omission involving
8 dishonesty, fraud, or misrepresentation or allowing any
9 such act or omission by any employee or contractor under
10 the control of the education provider.

11 (4) Engaging in misleading or untruthful advertising.

12 (5) Failing to retain competent instructors in
13 accordance with rules adopted under this Act.

14 (6) Failing to meet the topic or time requirements for
15 course approval as the provider of a pre-license
16 curriculum course or a continuing education course.

17 (7) Failing to administer an approved course using the
18 course materials, syllabus, and examinations submitted as
19 the basis of the course approval.

20 (8) Failing to provide an appropriate classroom
21 environment for presentation of courses, with
22 consideration for student comfort, acoustics, lighting,
23 seating, workspace, and visual aid material.

24 (9) Failing to maintain student records in compliance
25 with the rules adopted under this Act.

26 (10) Failing to provide a certificate, transcript, or

1 other student record to the Department or to a student as
2 may be required by rule.

3 (11) Failing to fully cooperate with a Department
4 investigation by knowingly making a false statement,
5 submitting false or misleading information, or refusing to
6 provide complete information in response to written
7 interrogatories or a written request for documentation
8 within 30 days of the request.

9 (c) (Blank).

10 (d) The Department may refuse to issue or may suspend
11 without hearing, as provided for in the Code of Civil
12 Procedure, the license of any person who fails to file a tax
13 return, to pay the tax, penalty, or interest shown in a filed
14 tax return, or to pay any final assessment of tax, penalty, or
15 interest, as required by any tax Act administered by the
16 Illinois Department of Revenue, until such time as the
17 requirements of the tax Act are satisfied in accordance with
18 subsection (g) of Section 2105-15 of the Civil Administrative
19 Code of Illinois.

20 (e) (Blank).

21 (f) In cases where the Department of Healthcare and Family
22 Services has previously determined that a licensee or a
23 potential licensee is more than 30 days delinquent in the
24 payment of child support and has subsequently certified the
25 delinquency to the Department, the Department may refuse to
26 issue or renew or may revoke or suspend that person's license

1 or may take other disciplinary action against that person
2 based solely upon the certification of delinquency made by the
3 Department of Healthcare and Family Services in accordance
4 with item (5) of subsection (a) of Section 2105-15 of the Civil
5 Administrative Code of Illinois.

6 (g) The determination by a circuit court that a licensee
7 is subject to involuntary admission or judicial admission, as
8 provided in the Mental Health and Developmental Disabilities
9 Code, operates as an automatic suspension. The suspension will
10 end only upon a finding by a court that the patient is no
11 longer subject to involuntary admission or judicial admission
12 and the issuance of a court order so finding and discharging
13 the patient.

14 (h) (Blank).

15 (Source: P.A. 102-20, eff. 1-1-22.)

16 (225 ILCS 441/15-11)

17 (Section scheduled to be repealed on January 1, 2027)

18 Sec. 15-11. Illegal discrimination. When there has been an
19 adjudication in a civil or criminal proceeding that a licensee
20 has illegally discriminated while engaged in any activity for
21 which a license is required under this Act, the Department,
22 upon the determination by ~~recommendation of~~ the Secretary
23 ~~Board~~ as to the extent of the suspension or revocation, shall
24 suspend or revoke the license of that licensee in a timely
25 manner, unless the adjudication is in the appeal process. When

1 there has been an order in an administrative proceeding
2 finding that a licensee has illegally discriminated while
3 engaged in any activity for which a license is required under
4 this Act, the Department, upon the determination by
5 ~~recommendation of~~ the Secretary Board as to the nature and
6 extent of the discipline, shall take one or more of the
7 disciplinary actions provided for in Section 15-10 of this Act
8 in a timely manner, unless the administrative order is in the
9 appeal process.

10 (Source: P.A. 102-970, eff. 5-27-22.)

11 (225 ILCS 441/15-15)

12 (Section scheduled to be repealed on January 1, 2027)

13 Sec. 15-15. Investigation; notice; hearing. The Department
14 may investigate the actions of any person who is an applicant,
15 ~~or licensee, or of any~~ person or persons rendering or offering
16 to render home inspection services, or any person holding or
17 claiming to hold a license as a home inspector. The Department
18 shall, before refusing to issue or renew a license or to
19 discipline a person licensee pursuant to Section 15-10, at
20 least 30 days prior to the date set for the hearing, (i) notify
21 the person charged ~~accused~~ in writing and the person's
22 managing licensed home inspector, if any, of the charges made
23 and the time and place for the hearing on the charges, (ii)
24 direct the person licensee or applicant to file a written
25 answer with the Department under oath within 20 days after the

1 service of the notice, and (iii) inform the person applicant
2 ~~or licensee~~ that failure to file an answer will result in a
3 default ~~judgment being~~ entered against the person applicant or
4 ~~licensee~~. At the time and place fixed in the notice, the
5 Department shall proceed to hear the charges and the parties
6 of their counsel shall be accorded ample opportunity to
7 present any pertinent statements, testimony, evidence, and
8 arguments. The Department may continue the hearing from time
9 to time. In case the person, after receiving the notice, fails
10 to file an answer, the license, may, in the discretion of the
11 Department, be revoked, suspended, placed on probationary
12 status, or the Department may take whatever disciplinary
13 actions considered proper, including limiting the scope,
14 nature, or extent of the person's practice or the imposition
15 of a fine, without a hearing, if the act or acts charged
16 constitute sufficient grounds for that action under the Act.
17 The notice may be served by ~~personal delivery,~~ by mail, or, at
18 the discretion of the Department, by electronic means to the
19 address of record or email address of record specified by the
20 person accused as last updated with the Department.

21 A copy of the hearing officer's report or any Order of
22 Default, along with a copy of the original complaint giving
23 rise to the action, shall be served upon the ~~applicant,~~
24 ~~licensee, or unlicensed~~ person by the Department ~~to the~~
25 ~~applicant, licensee, or unlicensed individual~~ in the manner
26 provided in this Act for the service of a notice of hearing.

1 Within 20 days after service, the person ~~applicant or licensee~~
2 may present to the Department a motion in writing for a
3 rehearing, which shall specify the particular grounds for
4 rehearing. If the person orders from the reporting service and
5 pays for a transcript of the record within the time for filing
6 a motion for rehearing, then the 20-day period during which a
7 motion may be filed shall commence upon the delivery of the
8 transcript to the applicant or licensee. The Department may
9 respond to the motion, or if a motion for rehearing is denied,
10 then upon denial, the Secretary may enter an order in
11 accordance with the recommendations of the hearing officer. A
12 copy of the Department's final disciplinary order shall be
13 delivered to the person and the person's managing home
14 inspector, if any. ~~If the applicant or licensee orders from~~
15 ~~the reporting service and pays for a transcript of the record~~
16 ~~within the time for filing a motion for rehearing, then the~~
17 ~~20 day period during which a motion may be filed shall~~
18 ~~commence upon the delivery of the transcript to the applicant~~
19 ~~or licensee.~~

20 (Source: P.A. 102-20, eff. 1-1-22.)

21 (225 ILCS 441/25-27)

22 (Section scheduled to be repealed on January 1, 2027)

23 Sec. 25-27. Subpoenas; depositions; oaths.

24 (a) The Department may subpoena and bring before it any
25 person to take oral or written testimony or compel the

1 production of any books, papers, records, or any other
2 documents the Secretary or the Secretary's designee deems
3 relevant or material to any investigation or hearing conducted
4 by the Department with the same fees and in the same manner as
5 prescribed in civil cases in the courts of this State.

6 (b) Any circuit court, upon the application of the
7 licensee or the Department, may order the attendance and
8 testimony of witnesses and the production of relevant
9 documents, files, records, books, and papers in connection
10 with any hearing or investigation. The circuit court may
11 compel obedience to its order by proceedings for contempt.

12 (c) The Secretary or the Secretary's designee, the hearing
13 officer, ~~any member of the Board~~, or a certified shorthand
14 court reporter may administer oaths at any hearing the
15 Department conducts. Notwithstanding any other statute or
16 Department rule to the contrary, all requests for testimony,
17 production of documents, or records shall be in accordance
18 with this Act.

19 (Source: P.A. 102-20, eff. 1-1-22.)

20 Section 20. The Real Estate License Act of 2000 is amended
21 by changing Sections 1-10, 5-6, 5-10, 5-20, 5-29, 5-50, 5-60,
22 5-75, 10-25, 10-30, 20-20, 20-20.1, 20-22, 20-23, 20-25,
23 20-60, 20-69, 20-72, 25-10, and 25-25 and by adding Section
24 20-21.1 as follows:

1 (225 ILCS 454/1-10)

2 (Section scheduled to be repealed on January 1, 2030)

3 Sec. 1-10. Definitions. In this Act, unless the context
4 otherwise requires:

5 "Act" means the Real Estate License Act of 2000.

6 "Address of record" means the designated address recorded
7 by the Department in the applicant's or licensee's application
8 file or license file as maintained by the Department.

9 "Agency" means a relationship in which a broker or
10 licensee, whether directly or through an affiliated licensee,
11 represents a consumer by the consumer's consent, whether
12 express or implied, in a real property transaction.

13 "Applicant" means any person, as defined in this Section,
14 who applies to the Department for a valid license as a managing
15 broker, broker, or residential leasing agent.

16 "Blind advertisement" means any real estate advertisement
17 that is used by a licensee regarding the sale or lease of real
18 estate, licensed activities, or the hiring of any licensee
19 under this Act that does not include the sponsoring broker's
20 complete business name or, in the case of electronic
21 advertisements, does not provide a direct link to a display
22 with all the required disclosures. The broker's business name
23 in the case of a franchise shall include the franchise
24 affiliation as well as the name of the individual firm.

25 "Board" means the Real Estate Administration and
26 Disciplinary Board of the Department as created by Section

1 25-10 of this Act.

2 "Broker" means an individual, entity, corporation, foreign
3 or domestic partnership, limited liability company, registered
4 limited liability partnership, or other business entity other
5 than a residential leasing agent who, whether in person or
6 through any media or technology, for another and for
7 compensation, or with the intention or expectation of
8 receiving compensation, either directly or indirectly:

9 (1) Sells, exchanges, purchases, rents, or leases real
10 estate.

11 (2) Offers to sell, exchange, purchase, rent, or lease
12 real estate.

13 (3) Negotiates, offers, attempts, or agrees to
14 negotiate the sale, exchange, purchase, rental, or leasing
15 of real estate.

16 (4) Lists, offers, attempts, or agrees to list real
17 estate for sale, rent, lease, or exchange.

18 (5) Whether for another or themselves, engages in a
19 pattern of business of buying, selling, offering to buy or
20 sell, marketing for sale, exchanging, or otherwise dealing
21 in contracts, including assignable contracts for the
22 purchase or sale of, or options on real estate or
23 improvements thereon. For purposes of this definition, an
24 individual or entity will be found to have engaged in a
25 pattern of business if the individual or entity by itself
26 or with any combination of other individuals or entities,

1 whether as partners or common owners in another entity,
2 has engaged in one or more of these practices on 2 or more
3 occasions in any 12-month period.

4 (6) Supervises the collection, offer, attempt, or
5 agreement to collect rent for the use of real estate.

6 (7) Advertises or represents oneself as being engaged
7 in the business of buying, selling, exchanging, renting,
8 or leasing real estate.

9 (8) Assists or directs in procuring or referring of
10 leads or prospects, intended to result in the sale,
11 exchange, lease, or rental of real estate.

12 (9) Assists or directs in the negotiation of any
13 transaction intended to result in the sale, exchange,
14 lease, or rental of real estate.

15 (10) Opens real estate to the public for marketing
16 purposes.

17 (11) Sells, rents, leases, or offers for sale or lease
18 real estate at auction.

19 (12) Prepares or provides a broker price opinion or
20 comparative market analysis as those terms are defined in
21 this Act, pursuant to the provisions of Section 10-45 of
22 this Act.

23 "Brokerage agreement" means a written or oral agreement
24 between a sponsoring broker and a consumer for licensed
25 activities, or the performance of future licensed activities,
26 to be provided to a consumer in return for compensation or the

1 right to receive compensation from another. Brokerage
2 agreements may constitute either a bilateral or a unilateral
3 agreement between the broker and the broker's client depending
4 upon the content of the brokerage agreement. All exclusive
5 brokerage agreements shall be in writing.

6 "Broker price opinion" means an estimate or analysis of
7 the probable selling price of a particular interest in real
8 estate, which may provide a varying level of detail about the
9 property's condition, market, and neighborhood and information
10 on comparable sales. The activities of a real estate broker or
11 managing broker engaging in the ordinary course of business as
12 a broker, as defined in this Section, shall not be considered a
13 broker price opinion if no compensation is paid to the broker
14 or managing broker, other than compensation based upon the
15 sale or rental of real estate. A broker price opinion shall not
16 be considered an appraisal within the meaning of the Real
17 Estate Appraiser Licensing Act of 2002, any amendment to that
18 Act, or any successor Act.

19 "Client" means a person who is being represented by a
20 licensee.

21 "Comparative market analysis" means an analysis or opinion
22 regarding pricing, marketing, or financial aspects relating to
23 a specified interest or interests in real estate that may be
24 based upon an analysis of comparative market data, the
25 expertise of the real estate broker or managing broker, and
26 such other factors as the broker or managing broker may deem

1 appropriate in developing or preparing such analysis or
2 opinion. The activities of a real estate broker or managing
3 broker engaging in the ordinary course of business as a
4 broker, as defined in this Section, shall not be considered a
5 comparative market analysis if no compensation is paid to the
6 broker or managing broker, other than compensation based upon
7 the sale or rental of real estate. A comparative market
8 analysis shall not be considered an appraisal within the
9 meaning of the Real Estate Appraiser Licensing Act of 2002,
10 any amendment to that Act, or any successor Act.

11 "Compensation" means the valuable consideration given by
12 one person or entity to another person or entity in exchange
13 for the performance of some activity or service. Compensation
14 shall include the transfer of valuable consideration,
15 including without limitation the following:

- 16 (1) commissions;
- 17 (2) referral fees;
- 18 (3) bonuses;
- 19 (4) prizes;
- 20 (5) merchandise;
- 21 (6) finder fees;
- 22 (7) performance of services;
- 23 (8) coupons or gift certificates;
- 24 (9) discounts;
- 25 (10) rebates;
- 26 (11) a chance to win a raffle, drawing, lottery, or

1 similar game of chance not prohibited by any other law or
2 statute;

3 (12) retainer fee; or

4 (13) salary.

5 "Confidential information" means information obtained by a
6 licensee from a client during the term of a brokerage
7 agreement that (i) was made confidential by the written
8 request or written instruction of the client, (ii) deals with
9 the negotiating position of the client, or (iii) is
10 information the disclosure of which could materially harm the
11 negotiating position of the client, unless at any time:

12 (1) the client permits the disclosure of information
13 given by that client by word or conduct;

14 (2) the disclosure is required by law; or

15 (3) the information becomes public from a source other
16 than the licensee.

17 "Confidential information" shall not be considered to
18 include material information about the physical condition of
19 the property.

20 "Consumer" means a person or entity seeking or receiving
21 licensed activities.

22 "Coordinator" means the Coordinator of Real Estate created
23 in Section 25-15 of this Act.

24 "Credit hour" means 50 minutes of instruction in course
25 work that meets the requirements set forth in rules adopted by
26 the Department.

1 "Customer" means a consumer who is not being represented
2 by the licensee.

3 "Department" means the Department of Financial and
4 Professional Regulation.

5 "Designated agency" means a contractual relationship
6 between a sponsoring broker and a client under Section 15-50
7 of this Act in which one or more licensees associated with or
8 employed by the broker are designated as agent of the client.

9 "Designated agent" means a sponsored licensee named by a
10 sponsoring broker as the legal agent of a client, as provided
11 for in Section 15-50 of this Act.

12 "Designated managing broker" means a managing broker who
13 has supervisory responsibilities for licensees in one or, in
14 the case of a multi-office company, more than one office and
15 who has been appointed as such by the sponsoring broker
16 registered with the Department.

17 "Director" means the Director of Real Estate within the
18 Department of Financial and Professional Regulation.

19 "Dual agency" means an agency relationship in which a
20 licensee is representing both buyer and seller or both
21 landlord and tenant in the same transaction. When the agency
22 relationship is a designated agency, the question of whether
23 there is a dual agency shall be determined by the agency
24 relationships of the designated agent of the parties and not
25 of the sponsoring broker.

26 "Education provider" means a school licensed by the

1 Department offering courses in pre-license, post-license, or
2 continuing education required by this Act.

3 "Employee" or other derivative of the word "employee",
4 when used to refer to, describe, or delineate the relationship
5 between a sponsoring broker and a managing broker, broker, or
6 a residential leasing agent, shall be construed to include an
7 independent contractor relationship, provided that a written
8 agreement exists that clearly establishes and states the
9 relationship.

10 "Escrow moneys" means all moneys, promissory notes, or any
11 other type or manner of legal tender or financial
12 consideration deposited with any person for the benefit of the
13 parties to the transaction. A transaction exists once an
14 agreement has been reached and an accepted real estate
15 contract signed or lease agreed to by the parties. "Escrow
16 moneys" includes, without limitation, earnest moneys and
17 security deposits, except those security deposits in which the
18 person holding the security deposit is also the sole owner of
19 the property being leased and for which the security deposit
20 is being held.

21 "Electronic means of proctoring" means a methodology
22 providing assurance that the person taking a test and
23 completing the answers to questions is the person seeking
24 licensure or credit for continuing education and is doing so
25 without the aid of a third party or other device.

26 "Exclusive brokerage agreement" means a written brokerage

1 agreement that provides that the sponsoring broker has the
2 sole right, through one or more sponsored licensees, to act as
3 the exclusive agent or representative of the client and that
4 meets the requirements of Section 15-75 of this Act.

5 "Inactive" means a status of licensure where the licensee
6 holds a current license under this Act, but the licensee is
7 prohibited from engaging in licensed activities because the
8 licensee is unsponsored or the license of the sponsoring
9 broker with whom the licensee is associated or by whom the
10 licensee is employed is currently expired, revoked, suspended,
11 or otherwise rendered invalid under this Act. The license of
12 any business entity that is not in good standing with the
13 Illinois Secretary of State, or is not authorized to conduct
14 business in Illinois, shall immediately become inactive and
15 that entity shall be prohibited from engaging in any licensed
16 activities.

17 "Leads" means the name or names of a potential buyer,
18 seller, lessor, lessee, or client of a licensee.

19 "License" means the privilege conferred by the Department
20 to a person that has fulfilled all requirements prerequisite
21 to any type of licensure under this Act.

22 "Licensed activities" means those activities listed in the
23 definition of "broker" under this Section.

24 "Licensee" means any person licensed under this Act.

25 "Listing presentation" means any communication, written or
26 oral and by any means or media, between a managing broker or

1 broker and a consumer in which the licensee is attempting to
2 secure a brokerage agreement with the consumer to market the
3 consumer's real estate for sale or lease.

4 "Managing broker" means a licensee who may be authorized
5 to assume responsibilities as a designated managing broker for
6 licensees in one or, in the case of a multi-office company,
7 more than one office, upon appointment by the sponsoring
8 broker and registration with the Department. A managing broker
9 may act as one's own sponsor.

10 "Medium of advertising" means any method of communication
11 intended to influence the general public to use or purchase a
12 particular good or service or real estate, including, but not
13 limited to, print, electronic, social media, and digital
14 forums.

15 "Office" means a broker's place of business where the
16 general public is invited to transact business and where
17 records may be maintained and licenses readily available,
18 whether or not it is the broker's principal place of business.

19 "Person" means and includes individuals, entities,
20 corporations, limited liability companies, registered limited
21 liability partnerships, foreign and domestic partnerships, and
22 other business entities, except that when the context
23 otherwise requires, the term may refer to a single individual
24 or other described entity.

25 "Proctor" means any person, including, but not limited to,
26 an instructor, who has a written agreement to administer

1 examinations fairly and impartially with a licensed education
2 provider.

3 "Real estate" means and includes leaseholds as well as any
4 other interest or estate in land, whether corporeal,
5 incorporeal, freehold, or non-freehold and whether the real
6 estate is situated in this State or elsewhere. "Real estate"
7 does not include property sold, exchanged, or leased as a
8 timeshare or similar vacation item or interest, vacation club
9 membership, or other activity formerly regulated under the
10 Real Estate Timeshare Act of 1999 (repealed).

11 "Regular employee" means a person working an average of 20
12 hours per week for a person or entity who would be considered
13 as an employee under the Internal Revenue Service rules for
14 classifying workers.

15 "Renewal period" means the period beginning 90 days prior
16 to the expiration date of a license.

17 "Residential leasing agent" means a person who is employed
18 by a broker to engage in licensed activities limited to
19 leasing residential real estate who has obtained a license as
20 provided for in Section 5-5 of this Act.

21 "Secretary" means the Secretary of the Department of
22 Financial and Professional Regulation, or a person authorized
23 by the Secretary to act in the Secretary's stead.

24 "Sponsoring broker" means the broker who certifies to the
25 Department the broker's ~~his, her, or its~~ sponsorship of a
26 licensed managing broker, broker, or a residential leasing

1 agent.

2 "Sponsorship" means that a sponsoring broker has certified
3 to the Department that a managing broker, broker, or
4 residential leasing agent is employed by or associated by
5 written agreement with the sponsoring broker and the
6 Department has registered the sponsorship, as provided for in
7 Section 5-40 of this Act.

8 "Team" means any 2 or more licensees who work together to
9 provide real estate brokerage services, represent themselves
10 to the public as being part of a team or group, are identified
11 by a team name that is different than their sponsoring
12 broker's name, and together are supervised by the same
13 managing broker and sponsored by the same sponsoring broker.
14 "Team" does not mean a separately organized, incorporated, or
15 legal entity.

16 (Source: P.A. 101-357, eff. 8-9-19; 102-970, eff. 5-27-22.)

17 (225 ILCS 454/5-6)

18 (Section scheduled to be repealed on January 1, 2030)

19 Sec. 5-6. Social Security Number or Individual Taxpayer
20 ~~Tax~~ Identification Number on license application. In addition
21 to any other information required to be contained in the
22 application, every application for an original license under
23 this Act shall include the applicant's Social Security Number
24 or Tax Identification Number, which shall be retained in the
25 agency's records pertaining to the license. An applicant may

1 provide an Individual Taxpayer Identification Number as an
2 alternative to providing a Social Security Number when
3 applying for a license. As soon as practical, the Department
4 shall assign a separate and distinct identification number to
5 each applicant for a license.

6 Every application for a renewal or restored license shall
7 require the applicant's identification number.

8 (Source: P.A. 101-357, eff. 8-9-19.)

9 (225 ILCS 454/5-10)

10 (Section scheduled to be repealed on January 1, 2030)

11 Sec. 5-10. Requirements for license as a residential
12 leasing agent; continuing education.

13 (a) Every applicant for licensure as a residential leasing
14 agent must meet the following qualifications:

15 (1) be at least 18 years of age;

16 (2) be of good moral character;

17 (3) successfully complete a 4-year course of study in
18 a high school or secondary school or an equivalent course
19 of study approved by the state in which the school is
20 located, or possess a State of Illinois High School
21 Diploma, which shall be verified under oath by the
22 applicant;

23 (4) personally take and pass a written examination
24 authorized by the Department sufficient to demonstrate the
25 applicant's knowledge of the provisions of this Act

1 relating to residential leasing agents and the applicant's
2 competence to engage in the activities of a licensed
3 residential leasing agent;

4 (5) provide satisfactory evidence of having completed
5 15 hours of instruction in an approved course of study
6 relating to the leasing of residential real property. The
7 Board may recommend to the Department the number of hours
8 each topic of study shall require. The course of study
9 shall, among other topics, cover the provisions of this
10 Act applicable to residential leasing agents; fair housing
11 and human rights issues relating to residential leasing;
12 advertising and marketing issues; leases, applications,
13 and credit and criminal background reports; owner-tenant
14 relationships and owner-tenant laws; the handling of
15 funds; and environmental issues relating to residential
16 real property;

17 (6) complete any other requirements as set forth by
18 rule; and

19 (7) present a valid application for issuance of an
20 initial license accompanied by fees specified by rule.

21 (b) No applicant shall engage in any of the activities
22 covered by this Act without a valid license and until a valid
23 sponsorship has been registered with the Department.

24 (c) ~~Successfully completed course work, completed pursuant~~
25 ~~to the requirements of this Section, may be applied to the~~
26 ~~course work requirements to obtain a managing broker's or~~

1 ~~broker's license as provided by rule.~~ The Board may recommend
2 to the Department and the Department may adopt requirements
3 for approved courses, course content, and the approval of
4 courses, instructors, and education providers, as well as
5 education provider and instructor fees. The Department may
6 establish continuing education requirements for residential
7 licensed leasing agents, by rule, consistent with the language
8 and intent of this Act, with the advice of the Board.

9 (d) The continuing education requirement for residential
10 leasing agents shall consist of a single core curriculum to be
11 prescribed by the Department as recommended by the Board.
12 Leasing agents shall be required to complete no less than 8
13 hours of continuing education in the core curriculum during
14 the current term of the license. The curriculum shall, at a
15 minimum, consist of a single course or courses on the subjects
16 of fair housing and human rights issues related to residential
17 leasing, advertising and marketing issues, leases,
18 applications, credit reports, and criminal history, the
19 handling of funds, owner-tenant relationships and owner-tenant
20 laws, and environmental issues relating to residential real
21 estate.

22 (Source: P.A. 101-357, eff. 8-9-19; 102-970, eff. 5-27-22;
23 102-1100, eff. 1-1-23; revised 12-14-22.)

24 (225 ILCS 454/5-20)

25 (Section scheduled to be repealed on January 1, 2030)

1 Sec. 5-20. Exemptions from managing broker, broker, or
2 residential leasing agent license requirement; Department
3 exemption from education provider and related licenses. The
4 requirement for holding a license under this Article 5 shall
5 not apply to:

6 (1) Any person, as defined in Section 1-10, that as
7 owner or lessor performs any of the acts described in the
8 definition of "broker" under Section 1-10 of this Act with
9 reference to property owned or leased by it, or to the
10 regular employees thereof with respect to the property so
11 owned or leased, where such acts are performed in the
12 regular course of or as an incident to the management,
13 sale, or other disposition of such property and the
14 investment therein, if such regular employees do not
15 perform any of the acts described in the definition of
16 "broker" under Section 1-10 of this Act in connection with
17 a vocation of selling or leasing any real estate or the
18 improvements thereon not so owned or leased.

19 (2) An attorney in fact acting under a duly executed
20 and recorded power of attorney to convey real estate from
21 the owner or lessor or the services rendered by an
22 attorney at law in the performance of the attorney's duty
23 as an attorney at law.

24 (3) Any person acting as receiver, trustee in
25 bankruptcy, administrator, executor, or guardian or while
26 acting under a court order or under the authority of a will

1 or testamentary trust.

2 (4) Any person acting as a resident manager for the
3 owner or any employee acting as the resident manager for a
4 broker managing an apartment building, duplex, or
5 apartment complex, when the resident manager resides on
6 the premises, the premises is the ~~his or her~~ primary
7 residence of the resident manager, and the resident
8 manager is engaged in the leasing of that ~~the~~ property ~~of~~
9 ~~which he or she is the resident manager.~~

10 (5) Any officer or employee of a federal agency in the
11 conduct of official duties.

12 (6) Any officer or employee of the State government or
13 any political subdivision thereof performing official
14 duties.

15 (7) Any multiple listing service or other similar
16 information exchange that is engaged in the collection and
17 dissemination of information concerning real estate
18 available for sale, purchase, lease, or exchange for the
19 purpose of providing licensees with a system by which
20 licensees may cooperatively share information along with
21 which no other licensed activities, as defined in Section
22 1-10 of this Act, are provided.

23 (8) Railroads and other public utilities regulated by
24 the State of Illinois, or the officers or full-time
25 employees thereof, unless the performance of any licensed
26 activities is in connection with the sale, purchase,

1 lease, or other disposition of real estate or investment
2 therein that does not require the approval of the
3 appropriate State regulatory authority.

4 (9) Any medium of advertising in the routine course of
5 selling or publishing advertising along with which no
6 other licensed activities, as defined in Section 1-10 of
7 this Act, are provided.

8 (10) Any resident lessee of a residential dwelling
9 unit who refers for compensation to the owner of the
10 dwelling unit, or to the owner's agent, prospective
11 lessees of dwelling units in the same building or complex
12 as the resident lessee's unit, but only if the resident
13 lessee (i) refers no more than 3 prospective lessees in
14 any 12-month period, (ii) receives compensation of no more
15 than \$5,000 or the equivalent of 2 months' rent, whichever
16 is less, in any 12-month period, and (iii) limits ~~his or~~
17 ~~her~~ activities to referring prospective lessees to the
18 owner, or the owner's agent, and does not show a
19 residential dwelling unit to a prospective lessee, discuss
20 terms or conditions of leasing a dwelling unit with a
21 prospective lessee, or otherwise participate in the
22 negotiation of the leasing of a dwelling unit.

23 (11) The purchase, sale, or transfer of a timeshare or
24 similar vacation item or interest, vacation club
25 membership, or other activity formerly regulated under the
26 Real Estate Timeshare Act of 1999 (repealed).

1 (12) (Blank).

2 (13) Any person who is licensed without examination
3 under Section 10-25 (now repealed) of the Auction License
4 Act is exempt from holding a managing broker's or broker's
5 license under this Act for the limited purpose of selling
6 or leasing real estate at auction, so long as:

7 (A) that person has made application for said
8 exemption by July 1, 2000;

9 (B) that person verifies to the Department that
10 the person ~~he or she~~ has sold real estate at auction
11 for a period of 5 years prior to licensure as an
12 auctioneer;

13 (C) the person has had no lapse in the licensure
14 ~~his or her license~~ as an auctioneer; and

15 (D) the license issued under the Auction License
16 Act has not been disciplined for violation of those
17 provisions of Article 20 of the Auction License Act
18 dealing with or related to the sale or lease of real
19 estate at auction.

20 (14) A person who holds a valid license under the
21 Auction License Act and a valid real estate auction
22 certification and conducts auctions for the sale of real
23 estate under Section 5-32 of this Act.

24 (15) A hotel operator who is registered with the
25 Illinois Department of Revenue and pays taxes under the
26 Hotel Operators' Occupation Tax Act and rents a room or

1 rooms in a hotel as defined in the Hotel Operators'
2 Occupation Tax Act for a period of not more than 30
3 consecutive days and not more than 60 days in a calendar
4 year or a person who participates in an online marketplace
5 enabling persons to rent out all or part of the person's
6 owned residence.

7 (16) Notwithstanding any provisions to the contrary,
8 the Department and its employees shall be exempt from
9 education, course provider, instructor, and course license
10 requirements and fees while acting in an official capacity
11 on behalf of the Department. Courses offered by the
12 Department shall be eligible for continuing education
13 credit.

14 (Source: P.A. 100-534, eff. 9-22-17; 100-831, eff. 1-1-19;
15 101-357, eff. 8-9-19.)

16 (225 ILCS 454/5-29)

17 (Section scheduled to be repealed on January 1, 2030)

18 Sec. 5-29. Temporary practice as a designated managing
19 broker. Upon the loss of a designated managing broker who is
20 not replaced by the sponsoring broker or in the event of the
21 death or ~~adjudicated~~ disability of a self-sponsored managing
22 broker ~~the sole proprietor of an office~~, a written request for
23 authorization allowing the continued operation of the office
24 may be submitted to the Department within 15 days of the loss.
25 The Department may issue a written authorization allowing the

1 continued operation, provided that a licensed managing broker
2 or, in the case of the death or ~~adjudicated~~ disability of a
3 self-sponsored managing broker ~~sole proprietor~~, the
4 representative of the estate, assumes responsibility, in
5 writing, for the operation of the office and agrees to
6 personally supervise the operation of the office. No such
7 written authorization shall be valid for more than 60 days
8 unless extended by the Department for good cause shown and
9 upon written request by the broker or representative.

10 (Source: P.A. 101-357, eff. 8-9-19.)

11 (225 ILCS 454/5-50)

12 (Section scheduled to be repealed on January 1, 2030)

13 Sec. 5-50. Expiration and renewal of managing broker,
14 broker, or residential leasing agent license; sponsoring
15 broker; register of licensees.

16 (a) The expiration date and renewal period for each
17 license issued under this Act shall be set by rule. Except as
18 otherwise provided in this Section, the holder of a license
19 may renew the license within 90 days preceding the expiration
20 date thereof by completing the continuing education required
21 by this Act and paying the fees specified by rule.

22 (b) An individual whose first license is that of a broker
23 received on or after the effective date of this amendatory Act
24 of the 101st General Assembly, must provide evidence of having
25 completed 45 hours of post-license education presented in a

1 classroom or a live, interactive webinar, or online distance
2 education course, and which shall require passage of a final
3 examination.

4 The Board may recommend, and the Department shall approve,
5 45 hours of post-license education, consisting of three
6 15-hour post-license courses, one each that covers applied
7 brokerage principles, risk management/discipline, and
8 transactional issues. Each of the courses shall require its
9 own 50-question final examination, which shall be administered
10 by the education provider that delivers the course.

11 Individuals whose first license is that of a broker
12 received on or after the effective date of this amendatory Act
13 of the 101st General Assembly, must complete all three 15-hour
14 courses and successfully pass a course final examination for
15 each course prior to the date of the next broker renewal
16 deadline, except for those individuals who receive their first
17 license within the 180 days preceding the next broker renewal
18 deadline, who must complete all three 15-hour courses and
19 successfully pass a course final examination for each course
20 prior to the second broker renewal deadline that follows the
21 receipt of their license.

22 (c) Any managing broker, broker, or residential leasing
23 agent whose license under this Act has expired shall be
24 eligible to renew the license during the 2-year period
25 following the expiration date, provided the managing broker,
26 broker, or residential leasing agent pays the fees as

1 prescribed by rule and completes continuing education and
2 other requirements provided for by the Act or by rule. A
3 managing broker, broker, or residential leasing agent whose
4 license has been expired for more than 2 years but less than 5
5 years may have it restored by (i) applying to the Department,
6 (ii) paying the required fee, (iii) completing the continuing
7 education requirements for the most recent term of licensure
8 that ended prior to the date of the application for
9 reinstatement, and (iv) filing acceptable proof of fitness to
10 have the license restored, as set by rule. A managing broker,
11 broker, or residential leasing agent whose license has been
12 expired for more than 5 years shall be required to meet the
13 requirements for a new license.

14 (d) Notwithstanding any other provisions of this Act to
15 the contrary, any managing broker, broker, or residential
16 leasing agent whose license expired while the licensee was (i)
17 on active duty with the Armed Forces of the United States or
18 called into service or training by the state militia, (ii)
19 engaged in training or education under the supervision of the
20 United States preliminary to induction into military service,
21 or (iii) serving as the Coordinator of Real Estate in the State
22 of Illinois or as an employee of the Department may have the
23 license renewed, reinstated or restored without paying any
24 lapsed renewal fees, and without completing the continuing
25 education requirements for that licensure period if within 2
26 years after the termination of the service, training or

1 education the licensee furnishes ~~by furnishing~~ the Department
2 with satisfactory evidence of service, training, or education
3 and termination ~~it has been terminated~~ under honorable
4 conditions.

5 (e) Each licensee shall carry on one's person the license
6 or an electronic version thereof.

7 (f) The Department shall provide to the sponsoring broker
8 a notice of renewal for all sponsored licensees by mailing the
9 notice to the sponsoring broker's address of record, or, at
10 the Department's discretion, emailing the notice to the
11 sponsoring broker's email address of record.

12 (g) Upon request from the sponsoring broker, the
13 Department shall make available to the sponsoring broker, by
14 electronic means at the discretion of the Department, a
15 listing of licensees under this Act who, according to the
16 records of the Department, are sponsored by that broker. Every
17 licensee associated with or employed by a broker whose license
18 is revoked, suspended, or expired shall be considered inactive
19 until such time as the sponsoring broker's license is
20 reinstated or renewed, or a new valid sponsorship is
21 registered with the Department as set forth in subsection (b)
22 of Section 5-40 of this Act.

23 (h) The Department shall not issue or renew a license if
24 the applicant or licensee has an unpaid fine or fee from a
25 disciplinary matter or from a non-disciplinary action imposed
26 by the Department until the fine or fee is paid to the

1 Department or the applicant or licensee has entered into a
2 payment plan and is current on the required payments.

3 (i) The Department shall not issue or renew a license if
4 the applicant or licensee has an unpaid fine or civil penalty
5 imposed by the Department for unlicensed practice until the
6 fine or civil penalty is paid to the Department or the
7 applicant or licensee has entered into a payment plan and is
8 current on the required payments.

9 (Source: P.A. 101-357, eff. 8-9-19; 102-970, eff. 5-27-22.)

10 (225 ILCS 454/5-60)

11 (Section scheduled to be repealed on January 1, 2030)

12 Sec. 5-60. Managing broker licensed in another state;
13 broker licensed in another state; reciprocal agreements; agent
14 for service of process.

15 (a) A managing broker's license may be issued by the
16 Department to a managing broker or its equivalent licensed
17 under the laws of another state of the United States, under the
18 following conditions:

19 (1) the managing broker holds a managing broker's
20 license in a state that has entered into a reciprocal
21 agreement with the Department;

22 (2) the standards for that state for licensing as a
23 managing broker are substantially equal to or greater than
24 the minimum standards in the State of Illinois;

25 (3) the managing broker has been actively practicing

1 as a managing broker in the managing broker's state of
2 licensure for a period of not less than 2 years,
3 immediately prior to the date of application;

4 (4) the managing broker furnishes the Department with
5 a statement under seal of the proper licensing authority
6 of the state in which the managing broker is licensed
7 showing that the managing broker has an active managing
8 broker's license, that the managing broker is in good
9 standing, and any disciplinary action taken ~~that no~~
10 ~~complaints are pending~~ against the managing broker in that
11 state;

12 (5) the managing broker passes a test on Illinois
13 specific real estate brokerage laws; and

14 (6) the managing broker was licensed by an examination
15 in the state that has entered into a reciprocal agreement
16 with the Department.

17 (b) A broker's license may be issued by the Department to a
18 broker or its equivalent licensed under the laws of another
19 state of the United States, under the following conditions:

20 (1) the broker holds a broker's license in a state
21 that has entered into a reciprocal agreement with the
22 Department;

23 (2) the standards for that state for licensing as a
24 broker are substantially equivalent to or greater than the
25 minimum standards in the State of Illinois;

26 (3) (blank);

1 (4) the broker furnishes the Department with a
2 statement under seal of the proper licensing authority of
3 the state in which the broker is licensed showing that the
4 broker has an active broker's license, that the broker is
5 in good standing, and any disciplinary action taken ~~that~~
6 ~~no complaints are pending~~ against the broker in that
7 state;

8 (5) the broker passes a test on Illinois specific real
9 estate brokerage laws; and

10 (6) the broker was licensed by an examination in a
11 state that has entered into a reciprocal agreement with
12 the Department.

13 (c) (Blank).

14 (d) As a condition precedent to the issuance of a license
15 to a managing broker or broker pursuant to this Section, the
16 managing broker or broker shall agree in writing to abide by
17 all the provisions of this Act with respect to ~~his or her~~ real
18 estate activities within the State of Illinois and submit to
19 the jurisdiction of the Department as provided in this Act.
20 The agreement shall be filed with the Department and shall
21 remain in force for so long as the managing broker or broker is
22 licensed by this State and thereafter with respect to acts or
23 omissions committed while licensed as a managing broker or
24 broker in this State.

25 (e) Prior to the issuance of any license to any managing
26 broker or broker pursuant to this Section, verification of

1 active licensure issued for the conduct of such business in
2 any other state must be filed with the Department by the
3 managing broker or broker, and the same fees must be paid as
4 provided in this Act for the obtaining of a managing broker's
5 or broker's license in this State.

6 (f) Licenses previously granted under reciprocal
7 agreements with other states shall remain in force so long as
8 the Department has a reciprocal agreement with the state that
9 includes the requirements of this Section, unless that license
10 is suspended, revoked, or terminated by the Department for any
11 reason provided for suspension, revocation, or termination of
12 a resident licensee's license. Licenses granted under
13 reciprocal agreements may be renewed in the same manner as a
14 resident's license.

15 (g) Prior to the issuance of a license to a nonresident
16 managing broker or broker, the managing broker or broker shall
17 file with the Department, in a manner prescribed by the
18 Department, a designation in writing that appoints the
19 Secretary to act as ~~his or her~~ agent upon whom all judicial and
20 other process or legal notices directed to the managing broker
21 or broker may be served. Service upon the agent so designated
22 shall be equivalent to personal service upon the licensee.
23 Copies of the appointment, certified by the Secretary, shall
24 be deemed sufficient evidence thereof and shall be admitted in
25 evidence with the same force and effect as the original
26 thereof might be admitted. In the written designation, the

1 managing broker or broker shall agree that any lawful process
2 against the licensee that is served upon the agent shall be of
3 the same legal force and validity as if served upon the
4 licensee and that the authority shall continue in force so
5 long as any liability remains outstanding in this State. Upon
6 the receipt of any process or notice, the Secretary shall
7 forthwith deliver a copy of the same by regular mail or email
8 to the last known business address or email address of the
9 licensee.

10 (h) Any person holding a valid license under this Section
11 shall be eligible to obtain a managing broker's license or a
12 broker's license without examination should that person change
13 their state of domicile to Illinois and that person otherwise
14 meets the qualifications for licensure under this Act.

15 (Source: P.A. 101-357, eff. 8-9-19.)

16 (225 ILCS 454/5-75)

17 (Section scheduled to be repealed on January 1, 2030)

18 Sec. 5-75. Out-of-state continuing education credit. If a
19 renewal applicant has earned continuing education hours in
20 another state or territory for which the applicant ~~he or she~~ is
21 claiming credit toward full compliance in Illinois, the
22 Department may approve those hours based upon whether the
23 course is one that would be approved under Section 5-70 of this
24 Act, whether the course meets the basic requirements for
25 continuing education under this Act, and any other criteria

1 that are provided by statute or rule.

2 (Source: P.A. 100-188, eff. 1-1-18; 101-357, eff. 8-9-19.)

3 (225 ILCS 454/10-25)

4 (Section scheduled to be repealed on January 1, 2030)

5 Sec. 10-25. Expiration of brokerage agreement. No licensee
6 shall obtain any written brokerage agreement that does not
7 either provide for automatic expiration within a definite
8 period of time, and if longer than one year, ~~or~~ provide the
9 client with a right to terminate the agreement annually by
10 giving no more than 30 days' prior written notice. Any written
11 brokerage agreement not containing such a provision shall be
12 void. When the license of any sponsoring broker is suspended
13 or revoked, any brokerage agreement with the sponsoring broker
14 shall be deemed to expire upon the effective date of the
15 suspension or revocation.

16 (Source: P.A. 98-531, eff. 8-23-13.)

17 (225 ILCS 454/10-30)

18 (Section scheduled to be repealed on January 1, 2030)

19 Sec. 10-30. Advertising.

20 (a) No advertising, whether in print, via the Internet, or
21 through social media, digital forums, or any other media,
22 shall be fraudulent, deceptive, inherently misleading, or
23 proven to be misleading in practice. Advertising shall be
24 considered misleading or untruthful if, when taken as a whole,

1 there is a distinct and reasonable possibility that it will be
2 misunderstood or will deceive the ordinary consumer.
3 Advertising shall contain all information necessary to
4 communicate the information contained therein to the public in
5 an accurate, direct, and readily comprehensible manner. Team
6 names may not contain inherently misleading terms, such as
7 "company", "realty", "real estate", "agency", "associates",
8 "brokers", "properties", or "property".

9 (b) No blind advertisements may be used by any licensee,
10 in any media, except as provided for in this Section.

11 (c) A licensee shall disclose, in writing, to all parties
12 in a transaction the licensee's ~~his or her~~ status as a licensee
13 and any and all interest the licensee has or may have in the
14 real estate constituting the subject matter thereof, directly
15 or indirectly, according to the following guidelines:

16 (1) On broker yard signs or in broker advertisements,
17 no disclosure of ownership is necessary. However, the
18 ownership shall be indicated on any property data form
19 accessible to the consumer and disclosed to persons
20 responding to any advertisement or any sign. The term
21 "broker owned" or "agent owned" is sufficient disclosure.

22 (2) A sponsored or inactive licensee selling or
23 leasing property, owned solely by the sponsored or
24 inactive licensee, without utilizing brokerage services of
25 their sponsoring broker or any other licensee, may
26 advertise "By Owner". For purposes of this Section,

1 property is "solely owned" by a sponsored or inactive
2 licensee if the licensee ~~he or she~~ (i) has a 100% ownership
3 interest alone, (ii) has ownership as a joint tenant or
4 tenant by the entirety, or (iii) holds a 100% beneficial
5 interest in a land trust. Sponsored or inactive licensees
6 selling or leasing "By Owner" shall comply with the
7 following if advertising by owner:

8 (A) On "By Owner" yard signs, the sponsored or
9 inactive licensee shall indicate "broker owned" or
10 "agent owned." "By Owner" advertisements used in any
11 medium of advertising shall include the term "broker
12 owned" or "agent owned."

13 (B) If a sponsored or inactive licensee runs
14 advertisements, for the purpose of purchasing or
15 leasing real estate, the licensee ~~he or she~~ shall
16 disclose in the advertisements the licensee's ~~his or~~
17 ~~her~~ status as a licensee.

18 (C) A sponsored or inactive licensee shall not use
19 the sponsoring broker's name or the sponsoring
20 broker's company name in connection with the sale,
21 lease, or advertisement of the property nor utilize
22 the sponsoring broker's or company's name in
23 connection with the sale, lease, or advertising of the
24 property in a manner likely to create confusion among
25 the public as to whether or not the services of a real
26 estate company are being utilized or whether or not a

1 real estate company has an ownership interest in the
2 property.

3 (d) A sponsored licensee may not advertise under the
4 licensee's ~~his or her~~ own name. Advertising in any media shall
5 be under the direct supervision of the sponsoring or
6 designated managing broker and in the sponsoring broker's
7 business name, which in the case of a franchise shall include
8 the franchise affiliation as well as the name of the
9 individual firm. This provision does not apply under the
10 following circumstances:

11 (1) When a licensee enters into a brokerage agreement
12 relating to ~~his or her own~~ real estate owned by the
13 licensee, or real estate in which the licensee ~~he or she~~
14 has an ownership interest, with another licensed broker;
15 or

16 (2) When a licensee is selling or leasing ~~his or her~~
17 ~~own~~ real estate owned by the licensee or buying or leasing
18 real estate for their own use ~~himself or herself~~, after
19 providing the appropriate written disclosure of ~~his or her~~
20 ownership interest as required in paragraph (2) of
21 subsection (c) of this Section.

22 (e) No licensee shall list the licensee's ~~his or her~~ name
23 or otherwise advertise in the licensee's ~~his or her~~ own name to
24 the general public through any medium of advertising as being
25 in the real estate business without listing the ~~his or her~~
26 sponsoring broker's business name.

1 (f) The sponsoring broker's business name and the name of
2 the licensee must appear in all advertisements, including
3 business cards. In advertising that includes the sponsoring
4 broker's name and a team name or individual broker's name, the
5 sponsoring broker's business name shall be at least equal in
6 size or larger than the team name or that of the individual.

7 (g) Those individuals licensed as a managing broker and
8 designated with the Department as a designated managing broker
9 by their sponsoring broker shall identify themselves to the
10 public in advertising, except on "For Sale" or similar signs,
11 as a designated managing broker. No other individuals holding
12 a managing broker's license may hold themselves out to the
13 public or other licensees as a designated managing broker, but
14 they may hold themselves out to be a managing broker.

15 (Source: P.A. 101-357, eff. 8-9-19.)

16 (225 ILCS 454/20-20)

17 (Section scheduled to be repealed on January 1, 2030)

18 Sec. 20-20. Nature of and grounds for discipline.

19 (a) The Department may refuse to issue or renew a license,
20 may place on probation, suspend, or revoke any license,
21 reprimand, or take any other disciplinary or non-disciplinary
22 action as the Department may deem proper and impose a fine not
23 to exceed \$25,000 for each violation upon any licensee or
24 applicant under this Act or any person who holds oneself out as
25 an applicant or licensee or against a licensee in handling

1 one's own property, whether held by deed, option, or
2 otherwise, for any one or any combination of the following
3 causes:

4 (1) Fraud or misrepresentation in applying for, or
5 procuring, a license under this Act or in connection with
6 applying for renewal of a license under this Act.

7 (2) The licensee's conviction of or plea of guilty or
8 plea of nolo contendere, as set forth in subsection (e) of
9 Section 5-25, to: (A) a felony or misdemeanor in this
10 State or any other jurisdiction; (B) the entry of an
11 administrative sanction by a government agency in this
12 State or any other jurisdiction; or (C) any crime that
13 subjects the licensee to compliance with the requirements
14 of the Sex Offender Registration Act.

15 (3) Inability to practice the profession with
16 reasonable judgment, skill, or safety as a result of a
17 physical illness, mental illness, or disability.

18 (4) Practice under this Act as a licensee in a retail
19 sales establishment from an office, desk, or space that is
20 not separated from the main retail business and located
21 within a separate and distinct area within the
22 establishment.

23 (5) Having been disciplined by another state, the
24 District of Columbia, a territory, a foreign nation, or a
25 governmental agency authorized to impose discipline if at
26 least one of the grounds for that discipline is the same as

1 or the equivalent of one of the grounds for which a
2 licensee may be disciplined under this Act. A certified
3 copy of the record of the action by the other state or
4 jurisdiction shall be prima facie evidence thereof.

5 (6) Engaging in the practice of real estate brokerage
6 without a license or after the licensee's license or
7 temporary permit was expired or while the license was
8 inactive, revoked, or suspended.

9 (7) Cheating on or attempting to subvert the Real
10 Estate License Exam or a continuing education course or
11 examination.

12 (8) Aiding or abetting an applicant to subvert or
13 cheat on the Real Estate License Exam or continuing
14 education exam administered pursuant to this Act.

15 (9) Advertising that is inaccurate, misleading, or
16 contrary to the provisions of the Act.

17 (10) Making any substantial misrepresentation or
18 untruthful advertising.

19 (11) Making any false promises of a character likely
20 to influence, persuade, or induce.

21 (12) Pursuing a continued and flagrant course of
22 misrepresentation or the making of false promises through
23 licensees, employees, agents, advertising, or otherwise.

24 (13) Any misleading or untruthful advertising, or
25 using any trade name or insignia of membership in any real
26 estate organization of which the licensee is not a member.

1 (14) Acting for more than one party in a transaction
2 without providing written notice to all parties for whom
3 the licensee acts.

4 (15) Representing or attempting to represent, or
5 performing licensed activities for, a broker other than
6 the sponsoring broker.

7 (16) Failure to account for or to remit any moneys or
8 documents coming into the licensee's possession that
9 belong to others.

10 (17) Failure to maintain and deposit in a special
11 account, separate and apart from personal and other
12 business accounts, all escrow moneys belonging to others
13 entrusted to a licensee while acting as a broker, escrow
14 agent, or temporary custodian of the funds of others or
15 failure to maintain all escrow moneys on deposit in the
16 account until the transactions are consummated or
17 terminated, except to the extent that the moneys, or any
18 part thereof, shall be:

19 (A) disbursed prior to the consummation or
20 termination (i) in accordance with the written
21 direction of the principals to the transaction or
22 their duly authorized agents, (ii) in accordance with
23 directions providing for the release, payment, or
24 distribution of escrow moneys contained in any written
25 contract signed by the principals to the transaction
26 or their duly authorized agents, or (iii) pursuant to

1 an order of a court of competent jurisdiction; or

2 (B) deemed abandoned and transferred to the Office
3 of the State Treasurer to be handled as unclaimed
4 property pursuant to the Revised Uniform Unclaimed
5 Property Act. Escrow moneys may be deemed abandoned
6 under this subparagraph (B) only: (i) in the absence
7 of disbursement under subparagraph (A); (ii) in the
8 absence of notice of the filing of any claim in a court
9 of competent jurisdiction; and (iii) if 6 months have
10 elapsed after the receipt of a written demand for the
11 escrow moneys from one of the principals to the
12 transaction or the principal's duly authorized agent.

13 The account shall be noninterest bearing, unless the
14 character of the deposit is such that payment of interest
15 thereon is otherwise required by law or unless the
16 principals to the transaction specifically require, in
17 writing, that the deposit be placed in an interest-bearing
18 account.

19 (18) Failure to make available to the Department all
20 escrow records and related documents maintained in
21 connection with the practice of real estate within 24
22 hours of a request for those documents by Department
23 personnel.

24 (19) Failing to furnish copies upon request of
25 documents relating to a real estate transaction to a party
26 who has executed that document.

1 (20) Failure of a sponsoring broker or licensee to
2 timely provide sponsorship or termination of sponsorship
3 information to the Department.

4 (21) Engaging in dishonorable, unethical, or
5 unprofessional conduct of a character likely to deceive,
6 defraud, or harm the public, including, but not limited
7 to, conduct set forth in rules adopted by the Department.

8 (22) Commingling the money or property of others with
9 the licensee's own money or property.

10 (23) Employing any person on a purely temporary or
11 single deal basis as a means of evading the law regarding
12 payment of commission to nonlicensees on some contemplated
13 transactions.

14 (24) Permitting the use of one's license as a broker
15 to enable a residential leasing agent or unlicensed person
16 to operate a real estate business without actual
17 participation therein and control thereof by the broker.

18 (25) Any other conduct, whether of the same or a
19 different character from that specified in this Section,
20 that constitutes dishonest dealing.

21 (26) Displaying a "for rent" or "for sale" sign on any
22 property without the written consent of an owner or the
23 owner's duly authorized agent or advertising by any means
24 that any property is for sale or for rent without the
25 written consent of the owner or the owner's authorized
26 agent.

1 (27) Failing to provide information requested by the
2 Department, or otherwise respond to that request, within
3 30 days of the request.

4 (28) Advertising by means of a blind advertisement,
5 except as otherwise permitted in Section 10-30 of this
6 Act.

7 (29) A licensee under this Act or an unlicensed
8 individual offering guaranteed sales plans, as defined in
9 Section 10-50, except to the extent set forth in Section
10 10-50.

11 (30) Influencing or attempting to influence, by any
12 words or acts, a prospective seller, purchaser, occupant,
13 landlord, or tenant of real estate, in connection with
14 viewing, buying, or leasing real estate, so as to promote
15 or tend to promote the continuance or maintenance of
16 racially and religiously segregated housing or so as to
17 retard, obstruct, or discourage racially integrated
18 housing on or in any street, block, neighborhood, or
19 community.

20 (31) Engaging in any act that constitutes a violation
21 of any provision of Article 3 of the Illinois Human Rights
22 Act, whether or not a complaint has been filed with or
23 adjudicated by the Human Rights Commission.

24 (32) Inducing any party to a contract of sale or lease
25 or brokerage agreement to break the contract of sale or
26 lease or brokerage agreement for the purpose of

1 substituting, in lieu thereof, a new contract for sale or
2 lease or brokerage agreement with a third party.

3 (33) Negotiating a sale, exchange, or lease of real
4 estate directly with any person if the licensee knows that
5 the person has an exclusive brokerage agreement with
6 another broker, unless specifically authorized by that
7 broker.

8 (34) When a licensee is also an attorney, acting as
9 the attorney for either the buyer or the seller in the same
10 transaction in which the licensee is acting or has acted
11 as a managing broker or broker.

12 (35) Advertising or offering merchandise or services
13 as free if any conditions or obligations necessary for
14 receiving the merchandise or services are not disclosed in
15 the same advertisement or offer. These conditions or
16 obligations include without limitation the requirement
17 that the recipient attend a promotional activity or visit
18 a real estate site. As used in this subdivision (35),
19 "free" includes terms such as "award", "prize", "no
20 charge", "free of charge", "without charge", and similar
21 words or phrases that reasonably lead a person to believe
22 that one may receive or has been selected to receive
23 something of value, without any conditions or obligations
24 on the part of the recipient.

25 (36) (Blank).

26 (37) Violating the terms of any ~~a disciplinary~~ order

1 issued by the Department.

2 (38) Paying or failing to disclose compensation in
3 violation of Article 10 of this Act.

4 (39) Requiring a party to a transaction who is not a
5 client of the licensee to allow the licensee to retain a
6 portion of the escrow moneys for payment of the licensee's
7 commission or expenses as a condition for release of the
8 escrow moneys to that party.

9 (40) Disregarding or violating any provision of this
10 Act or the published rules adopted by the Department to
11 enforce this Act or aiding or abetting any individual,
12 foreign or domestic partnership, registered limited
13 liability partnership, limited liability company,
14 corporation, or other business entity in disregarding any
15 provision of this Act or the published rules adopted by
16 the Department to enforce this Act.

17 (41) Failing to provide the minimum services required
18 by Section 15-75 of this Act when acting under an
19 exclusive brokerage agreement.

20 (42) Habitual or excessive use of or addiction to
21 alcohol, narcotics, stimulants, or any other chemical
22 agent or drug that results in a managing broker, broker,
23 or residential leasing agent's inability to practice with
24 reasonable skill or safety.

25 (43) Enabling, aiding, or abetting an auctioneer, as
26 defined in the Auction License Act, to conduct a real

1 estate auction in a manner that is in violation of this
2 Act.

3 (44) Permitting any residential leasing agent or
4 temporary residential leasing agent permit holder to
5 engage in activities that require a broker's or managing
6 broker's license.

7 (45) Failing to notify the Department, within 30 days
8 after the occurrence, of the information required in
9 subsection (e) of Section 5-25.

10 (46) A designated managing broker's failure to provide
11 an appropriate written company policy or failure to
12 perform any of the duties set forth in Section 10-55.

13 (47) Filing liens or recording written instruments in
14 any county in the State on noncommercial, residential real
15 property that relate to a broker's compensation for
16 licensed activity under the Act.

17 (b) The Department may refuse to issue or renew or may
18 suspend the license of any person who fails to file a return,
19 pay the tax, penalty or interest shown in a filed return, or
20 pay any final assessment of tax, penalty, or interest, as
21 required by any tax Act administered by the Department of
22 Revenue, until such time as the requirements of that tax Act
23 are satisfied in accordance with subsection (g) of Section
24 2105-15 of the Department of Professional Regulation Law of
25 the Civil Administrative Code of Illinois.

26 (c) (Blank).

1 (d) In cases where the Department of Healthcare and Family
2 Services (formerly Department of Public Aid) has previously
3 determined that a licensee or a potential licensee is more
4 than 30 days delinquent in the payment of child support and has
5 subsequently certified the delinquency to the Department may
6 refuse to issue or renew or may revoke or suspend that person's
7 license or may take other disciplinary action against that
8 person based solely upon the certification of delinquency made
9 by the Department of Healthcare and Family Services in
10 accordance with item (5) of subsection (a) of Section 2105-15
11 of the Department of Professional Regulation Law of the Civil
12 Administrative Code of Illinois.

13 (e) (Blank).

14 (Source: P.A. 101-81, eff. 7-12-19; 101-357, eff. 8-9-19;
15 102-970, eff. 5-27-22.)

16 (225 ILCS 454/20-20.1)

17 (Section scheduled to be repealed on January 1, 2030)

18 Sec. 20-20.1. Citations.

19 (a) The Department may adopt rules to permit the issuance
20 of citations to any licensee for failure to comply with the
21 continuing education and post-license education requirements
22 set forth in this Act or as adopted by rule. The citation shall
23 be issued to the licensee, and a copy shall be sent to the
24 licensee's designated managing broker and sponsoring broker.
25 The citation shall contain the licensee's name and address,

1 the licensee's license number, the number of required hours of
2 continuing education or post-license education that have not
3 been successfully completed by the licensee's renewal
4 deadline, and the penalty imposed, which shall not exceed
5 \$2,000. The issuance of any such citation shall not excuse the
6 licensee from completing all continuing education or
7 post-license education required for that term of licensure.

8 (b) Service of a citation shall be made by in person,
9 electronically, or by mail to the licensee at the licensee's
10 address of record or email address of record, and must clearly
11 state that if the cited licensee wishes to dispute the
12 citation, the cited licensee may make a written request,
13 within 30 days after the citation is served, for a hearing
14 before the Department. If the cited licensee does not request
15 a hearing within 30 days after the citation is served, then the
16 citation shall become a final, non-disciplinary order, and any
17 fine imposed is due and payable within 60 days after that final
18 order. If the cited licensee requests a hearing within 30 days
19 after the citation is served, the Department shall afford the
20 cited licensee a hearing conducted in the same manner as a
21 hearing provided for in this Act for any violation of this Act
22 and shall determine whether the cited licensee committed the
23 violation as charged and whether the fine as levied is
24 warranted. If the violation is found, any fine shall
25 constitute non-public discipline and be due and payable within
26 30 days after the order of the Secretary, which shall

1 constitute a final order of the Department. No change in
2 license status may be made by the Department until such time as
3 a final order of the Department has been issued.

4 (c) Payment of a fine that has been assessed pursuant to
5 this Section shall not constitute disciplinary action
6 reportable on the Department's website or elsewhere unless a
7 licensee has previously received 2 or more citations and has
8 been assessed 2 or more fines.

9 (d) Nothing in this Section shall prohibit or limit the
10 Department from taking further action pursuant to this Act and
11 rules for additional, repeated, or continuing violations.

12 (Source: P.A. 101-357, eff. 8-9-19; 102-970, eff. 5-27-22.)

13 (225 ILCS 454/20-21.1 new)

14 Sec. 20-21.1. Injunctions; cease and desist order.

15 (a) If any person violates the provisions of this Act, the
16 Secretary may, in the name of the People of the State of
17 Illinois, through the Attorney General or the State's Attorney
18 for any county in which the action is brought, petition for an
19 order enjoining the violation or for an order enforcing
20 compliance with this Act. Upon the filing of a verified
21 petition in court, the court may issue a temporary restraining
22 order, without notice or condition, and may preliminarily and
23 permanently enjoin the violation. If it is established that
24 the person has violated or is violating the injunction, the
25 Court may punish the offender for contempt of court.

1 Proceedings under this Section shall be in addition to, and
2 not in lieu of, all other remedies and penalties provided by
3 this Act.

4 (b) If, in the opinion of the Department, a person
5 violates a provision of this Act, the Department may issue a
6 ruling to show cause why an order to cease and desist should
7 not be entered against that person. The rule shall clearly set
8 forth the grounds relied upon by the Department and shall
9 allow at least 7 days from the date of the rule to file an
10 answer to the satisfaction of the Department. Failure to
11 answer to the satisfaction of the Department shall cause an
12 order to cease and desist to be issued immediately.

13 (c) Other than as provided in Section 5-20 of this Act, if
14 any person practices as a managing broker, broker, or
15 residential leasing agent or holds themselves out as a
16 licensed sponsoring broker, managing broker, broker, or
17 residential leasing agent under this Act without being issued
18 a valid active license by the Department, then any licensed
19 sponsoring broker, managing broker, broker, residential
20 leasing agent, any interested party, or any person injured
21 thereby may, in addition to the Secretary, petition for relief
22 as provided in subsection (a).

23 (225 ILCS 454/20-22)

24 (Section scheduled to be repealed on January 1, 2030)

25 Sec. 20-22. Violations. Any person who is found working or

1 acting as a managing broker, broker, or residential leasing
2 agent or holding oneself ~~himself or herself~~ out as a licensed
3 sponsoring broker, managing broker, broker, or residential
4 leasing agent without being issued a valid active license is
5 guilty of a Class A misdemeanor and, on conviction of a second
6 or subsequent offense, the violator shall be guilty of a Class
7 4 felony.

8 (Source: P.A. 101-357, eff. 8-9-19.)

9 (225 ILCS 454/20-23)

10 (Section scheduled to be repealed on January 1, 2030)

11 Sec. 20-23. Confidentiality. All information collected by
12 the Department in the course of an examination or
13 investigation of a licensee or applicant, including, but not
14 limited to, any complaint against a licensee, applicant, or
15 any person who holds oneself ~~himself or herself~~ out as a
16 licensee or applicant that is filed with the Department and
17 information collected to investigate any such complaint, shall
18 be maintained for the confidential use of the Department and
19 shall not be disclosed. The Department may not disclose the
20 information to anyone other than law enforcement officials,
21 regulatory agencies that have an appropriate regulatory
22 interest as determined by the Secretary, or a party presenting
23 a lawful subpoena to the Department. Information and documents
24 disclosed to a federal, State, county, or local law
25 enforcement agency shall not be disclosed by the agency for

1 any purpose to any other agency or person. A formal complaint
2 filed against a licensee by the Department or any order issued
3 by the Department against a licensee or applicant shall be a
4 public record, except as otherwise prohibited by law.

5 (Source: P.A. 98-553, eff. 1-1-14.)

6 (225 ILCS 454/20-25)

7 (Section scheduled to be repealed on January 1, 2030)

8 Sec. 20-25. Returned checks and dishonored credit card
9 charges; fees. Any person who (1) delivers a check or other
10 payment to the Department that is returned to the Department
11 unpaid by the financial institution upon which it is drawn
12 shall pay to the Department; or (2) presents a credit or debit
13 card for payment that is invalid or expired or against which
14 charges by the Department are declined or dishonored, in
15 addition to the amount already owed to the Department, a fee of
16 \$50. The Department shall notify the person that payment of
17 fees and fines shall be paid to the Department by certified
18 check or money order within 30 calendar days of the
19 notification. If, after the expiration of 30 days from the
20 date of the notification, the person has failed to submit the
21 necessary remittance, the Department shall automatically
22 revoke the license or deny the application, without hearing.
23 If, after revocation or denial, the person seeks a license,
24 the person ~~he or she~~ shall apply to the Department for
25 restoration or issuance of the license and pay all fees and

1 fines due to the Department. The Department may establish a
2 fee for the processing of an application for restoration of a
3 license to pay all expenses of processing this application.
4 The Secretary may waive the fees due under this Section in
5 individual cases where the Secretary finds that the fees would
6 be unreasonable or unnecessarily burdensome.

7 (Source: P.A. 101-357, eff. 8-9-19.)

8 (225 ILCS 454/20-60)

9 (Section scheduled to be repealed on January 1, 2030)

10 Sec. 20-60. Investigations notice and hearing. The
11 Department may investigate the actions of any applicant or of
12 any person who is an applicant or person or persons rendering
13 or offering to render services for which a license is required
14 by this Act or any person holding or claiming to hold a license
15 under this Act and may notify the ~~his or her~~ designated
16 managing broker and sponsoring broker of the pending
17 investigation. The Department shall, before revoking,
18 suspending, placing on probation, reprimanding, or taking any
19 other disciplinary action under Article 20 of this Act, at
20 least 30 days before the date set for the hearing, (i) notify
21 the person charged ~~accused~~ and the ~~his or her~~ designated
22 managing broker and sponsoring broker in writing of the
23 charges made and the time and place for the hearing on the
24 charges and whether the licensee's license has been
25 temporarily suspended pursuant to Section 20-65, (ii) direct

1 the person accused to file a written answer to the charges with
2 the Board under oath within 20 days after ~~the service on him or~~
3 ~~her~~ of the notice, and (iii) inform the person accused that
4 failure if he or she fails to answer will result in a ~~7~~ default
5 ~~will be taken against him or her~~ or that the person's ~~his or~~
6 ~~her~~ license may be suspended, revoked, placed on probationary
7 status, or other disciplinary action taken with regard to the
8 license, including limiting the scope, nature, or extent of
9 the ability to ~~his or her~~ practice, as the Department may
10 consider proper. At the time and place fixed in the notice, the
11 Board shall proceed to hear the charges and the parties or
12 their counsel shall be accorded ample opportunity to present
13 any pertinent statements, testimony, evidence, and arguments.
14 The Board may continue the hearing from time to time. In case
15 the person, after receiving the notice, fails to file an
16 answer, the person's ~~his or her~~ license may, in the discretion
17 of the Department, be suspended, revoked, placed on
18 probationary status, or the Department may take whatever
19 disciplinary action considered proper, including limiting the
20 scope, nature, or extent of the person's practice or the
21 imposition of a fine, without a hearing, if the act or acts
22 charged constitute sufficient grounds for that action under
23 this Act. The notice may be served by ~~personal delivery, by~~
24 mail, or, at the discretion of the Department, by electronic
25 means as adopted by rule to the address or email address of
26 record ~~specified by the accused in his or her last~~

1 ~~notification with the Department~~ and shall include notice to
2 the designated managing broker and sponsoring broker. A copy
3 of the Department's final disciplinary order shall be
4 delivered to the designated managing broker and sponsoring
5 broker.

6 (Source: P.A. 100-188, eff. 1-1-18; 101-357, eff. 8-9-19.)

7 (225 ILCS 454/20-69)

8 (Section scheduled to be repealed on January 1, 2030)

9 Sec. 20-69. Restoration of a ~~suspended or revoked~~ license.
10 At any time after the successful completion of a term of
11 suspension, ~~or~~ revocation, or probation of a ~~an individual's~~
12 license, the Department may restore it to the licensee, upon
13 the written recommendation of the Board, unless after an
14 investigation and a hearing the Board determines that
15 restoration is not in the public interest.

16 (Source: P.A. 102-970, eff. 5-27-22.)

17 (225 ILCS 454/20-72)

18 (Section scheduled to be repealed on January 1, 2030)

19 Sec. 20-72. Secretary; rehearing. If the Secretary
20 believes that substantial justice has not been done in the
21 revocation or suspension of a license, with respect to refusal
22 to issue, restore, or renew a license, or any other discipline
23 of an applicant, licensee, or unlicensed person, then the
24 Secretary ~~he or she~~ may order a rehearing by the same or other

1 examiners.

2 (Source: P.A. 101-357, eff. 8-9-19.)

3 (225 ILCS 454/25-10)

4 (Section scheduled to be repealed on January 1, 2030)

5 Sec. 25-10. Real Estate Administration and Disciplinary
6 Board; duties. There is created the Real Estate Administration
7 and Disciplinary Board. The Board shall be composed of 15
8 persons appointed by the Governor. Members shall be appointed
9 to the Board subject to the following conditions:

10 (1) All members shall have been residents and citizens
11 of this State for at least 6 years prior to the date of
12 appointment.

13 (2) Twelve members shall have been actively engaged as
14 managing brokers or brokers or both for at least the 10
15 years prior to the appointment, 2 of whom must possess an
16 active pre-license instructor license.

17 (3) Three members of the Board shall be public members
18 who represent consumer interests.

19 None of these members shall be (i) a person who is licensed
20 under this Act or a similar Act of another jurisdiction, (ii)
21 the spouse or immediate family member of a licensee, or (iii) a
22 person who has an ownership interest in a real estate
23 brokerage business.

24 The members' terms shall be for 4 years and until a
25 successor is appointed. No member shall be reappointed to the

1 Board for a term that would cause the member's cumulative
2 service to the Board to exceed 12 ~~10~~ years. Appointments to
3 fill vacancies shall be for the unexpired portion of the term.
4 Those members of the Board that satisfy the requirements of
5 paragraph (2) shall be chosen in a manner such that no area of
6 the State shall be unreasonably represented. In making the
7 appointments, the Governor shall give due consideration to the
8 recommendations by members and organizations of the
9 profession. The Governor may terminate the appointment of any
10 member for cause that in the opinion of the Governor
11 reasonably justifies the termination. Cause for termination
12 shall include without limitation misconduct, incapacity,
13 neglect of duty, or missing 4 board meetings during any one
14 fiscal year. Each member of the Board may receive a per diem
15 stipend in an amount to be determined by the Secretary. While
16 engaged in the performance of duties, each member shall be
17 reimbursed for necessary expenses. Such compensation and
18 expenses shall be paid out of the Real Estate License
19 Administration Fund. The Secretary shall consider the
20 recommendations of the Board on questions involving standards
21 of professional conduct, discipline, education, and policies
22 and procedures under this Act. With regard to this subject
23 matter, the Secretary may establish temporary or permanent
24 committees of the Board and may consider the recommendations
25 of the Board on matters that include, but are not limited to,
26 criteria for the licensing and renewal of education providers,

1 pre-license and continuing education instructors, pre-license
2 and continuing education curricula, standards of educational
3 criteria, and qualifications for licensure and renewal of
4 professions, courses, and instructors. The Department, after
5 notifying and considering the recommendations of the Board, if
6 any, may issue rules, consistent with the provisions of this
7 Act, for the administration and enforcement thereof and may
8 prescribe forms that shall be used in connection therewith.
9 Eight Board members shall constitute a quorum. A quorum is
10 required for all Board decisions. A vacancy in the membership
11 of the Board shall not impair the right of a quorum to exercise
12 all of the rights and perform all of the duties of the Board.

13 The Board shall elect annually, at its first meeting of
14 the fiscal year, a vice chairperson who shall preside, with
15 voting privileges, at meetings when the chairperson is not
16 present. Members of the Board shall be immune from suit in an
17 action based upon any disciplinary proceedings or other acts
18 performed in good faith as members of the Board.

19 (Source: P.A. 102-970, eff. 5-27-22.)

20 (225 ILCS 454/25-25)

21 (Section scheduled to be repealed on January 1, 2030)

22 Sec. 25-25. Real Estate Research and Education Fund. A
23 special fund to be known as the Real Estate Research and
24 Education Fund is created and shall be held in trust in the
25 State Treasury. Annually, on September 15th, the State

1 Treasurer shall cause a transfer of \$125,000 to the Real
2 Estate Research and Education Fund from the Real Estate
3 License Administration Fund. The Real Estate Research and
4 Education Fund shall be administered by the Department. Money
5 deposited in the Real Estate Research and Education Fund may
6 be used for research and for education at state institutions
7 of higher education or other organizations for research and
8 for education to further the advancement of education in the
9 real estate industry or can be used by the Department for
10 expenses related to the education of licensees. Of the
11 \$125,000 annually transferred into the Real Estate Research
12 and Education Fund, \$15,000 shall be used to fund a
13 scholarship program for persons of minority racial origin who
14 wish to pursue a course of study in the field of real estate.
15 For the purposes of this Section, "course of study" means a
16 course or courses that are part of a program of courses in the
17 field of real estate designed to further an individual's
18 knowledge or expertise in the field of real estate. These
19 courses shall include, without limitation, courses that a
20 broker licensed under this Act must complete to qualify for a
21 managing broker's license, courses required to obtain the
22 Graduate Realtors Institute designation, and any other courses
23 or programs offered by accredited colleges, universities, or
24 other institutions of higher education in Illinois. The
25 scholarship program shall be administered by the Department or
26 its designee. Moneys in the Real Estate Research and Education

1 Fund may be invested and reinvested in the same manner as funds
2 in the Real Estate Recovery Fund and all earnings, interest,
3 and dividends received from such investments shall be
4 deposited in the Real Estate Research and Education Fund and
5 may be used for the same purposes as moneys transferred to the
6 Real Estate Research and Education Fund. Moneys in the Real
7 Estate Research and Education Fund may be transferred to the
8 Professions Indirect Cost Fund as authorized under Section
9 2105-300 of the Department of Professional Regulation Law of
10 the Civil Administrative Code of Illinois.

11 (Source: P.A. 101-357, eff. 8-9-19.)

12 (225 ILCS 454/25-21 rep.)

13 Section 25. The Real Estate License Act of 2000 is amended
14 by repealing Section 25-21.

15 Section 30. The Real Estate Appraiser Licensing Act of
16 2002 is amended by changing Sections 1-10, 5-25, 10-5, 10-10,
17 15-10, 15-15, and 25-10 as follows:

18 (225 ILCS 458/1-10)

19 (Section scheduled to be repealed on January 1, 2027)

20 Sec. 1-10. Definitions. As used in this Act, unless the
21 context otherwise requires:

22 "Accredited college or university, junior college, or
23 community college" means a college or university, junior

1 college, or community college that is approved or accredited
2 by the Board of Higher Education, a regional or national
3 accreditation association, or by an accrediting agency that is
4 recognized by the U.S. Secretary of Education.

5 "Address of record" means the designated street address,
6 which may not be a post office box, recorded by the Department
7 in the applicant's or licensee's application file or license
8 file as maintained by the Department.

9 "Applicant" means a person who applies to the Department
10 for a license under this Act.

11 "Appraisal" means (noun) the act or process of developing
12 an opinion of value; an opinion of value (adjective) of or
13 pertaining to appraising and related functions, such as
14 appraisal practice or appraisal services.

15 "Appraisal assignment" means a valuation service provided
16 pursuant to an agreement between an appraiser and a client.

17 "Appraisal firm" means an appraisal entity that is 100%
18 owned and controlled by a person or persons licensed in
19 Illinois as a certified general real estate appraiser or a
20 certified residential real estate appraiser. "Appraisal firm"
21 does not include an appraisal management company.

22 "Appraisal management company" means any corporation,
23 limited liability company, partnership, sole proprietorship,
24 subsidiary, unit, or other business entity that directly or
25 indirectly: (1) provides appraisal management services to
26 creditors or secondary mortgage market participants, including

1 affiliates; (2) provides appraisal management services in
2 connection with valuing the consumer's principal dwelling as
3 security for a consumer credit transaction (including consumer
4 credit transactions incorporated into securitizations); and
5 (3) any appraisal management company that, within a given
6 12-month period, oversees an appraiser panel of 16 or more
7 State-certified appraisers in Illinois or 25 or more
8 State-certified or State-licensed appraisers in 2 or more
9 jurisdictions. "Appraisal management company" includes a
10 hybrid entity.

11 "Appraisal practice" means valuation services performed by
12 an individual acting as an appraiser, including, but not
13 limited to, appraisal or appraisal review.

14 "Appraisal qualification board (AQB)" means the
15 independent board of the Appraisal Foundation, which, under
16 the provisions of Title XI of the Financial Institutions
17 Reform, Recovery, and Enforcement Act of 1989, establishes the
18 minimum education, experience, and examination requirements
19 for real property appraisers to obtain a state certification
20 or license.

21 "Appraisal report" means any communication, written or
22 oral, of an appraisal or appraisal review that is transmitted
23 to a client upon completion of an assignment.

24 "Appraisal review" means the act or process of developing
25 and communicating an opinion about the quality of another
26 appraiser's work that was performed as part of an appraisal,

1 appraisal review, or appraisal assignment.

2 "Appraisal Subcommittee" means the Appraisal Subcommittee
3 of the Federal Financial Institutions Examination Council as
4 established by Title XI.

5 "Appraiser" means a person who performs real estate or
6 real property appraisals competently and in a manner that is
7 independent, impartial, and objective.

8 "Appraiser panel" means a network, list, or roster of
9 licensed or certified appraisers approved by the appraisal
10 management company or by the end-user client to perform
11 appraisals as independent contractors for the appraisal
12 management company. "Appraiser panel" includes both appraisers
13 accepted by an appraisal management company for consideration
14 for future appraisal assignments and appraisers engaged by an
15 appraisal management company to perform one or more
16 appraisals. For the purposes of determining the size of an
17 appraiser panel, only independent contractors of hybrid
18 entities shall be counted towards the appraiser panel.

19 ~~"AOB" means the Appraisal Qualifications Board of the~~
20 ~~Appraisal Foundation.~~

21 "Associate real estate trainee appraiser" means an
22 entry-level appraiser who holds a license of this
23 classification under this Act with restrictions as to the
24 scope of practice in accordance with this Act.

25 "Automated valuation model" means an automated system that
26 is used to derive a property value through the use of available

1 property records and various analytic methodologies such as
2 comparable sales prices, home characteristics, and price
3 changes.

4 "Board" means the Real Estate Appraisal Administration and
5 Disciplinary Board.

6 "Broker price opinion" means an estimate or analysis of
7 the probable selling price of a particular interest in real
8 estate, which may provide a varying level of detail about the
9 property's condition, market, and neighborhood and information
10 on comparable sales. The activities of a real estate broker or
11 managing broker engaging in the ordinary course of business as
12 a broker, as defined in this Section, shall not be considered a
13 broker price opinion if no compensation is paid to the broker
14 or managing broker, other than compensation based upon the
15 sale or rental of real estate.

16 "Classroom hour" means 50 minutes of instruction out of
17 each 60-minute segment of coursework.

18 "Client" means the party or parties who engage an
19 appraiser by employment or contract in a specific appraisal
20 assignment.

21 "Comparative market analysis" is an analysis or opinion
22 regarding pricing, marketing, or financial aspects relating to
23 a specified interest or interests in real estate that may be
24 based upon an analysis of comparative market data, the
25 expertise of the real estate broker or managing broker, and
26 such other factors as the broker or managing broker may deem

1 appropriate in developing or preparing such analysis or
2 opinion. The activities of a real estate broker or managing
3 broker engaging in the ordinary course of business as a
4 broker, as defined in this Section, shall not be considered a
5 comparative market analysis if no compensation is paid to the
6 broker or managing broker, other than compensation based upon
7 the sale or rental of real estate.

8 "Coordinator" means the Real Estate Appraisal Coordinator
9 created in Section 25-15.

10 "Department" means the Department of Financial and
11 Professional Regulation.

12 "Email address of record" means the designated email
13 address recorded by the Department in the applicant's
14 application file or the licensee's license file maintained by
15 the Department.

16 "Evaluation" means a valuation permitted by the appraisal
17 regulations of the Federal Financial Institutions Examination
18 Council and its federal agencies for transactions that qualify
19 for the appraisal threshold exemption, business loan
20 exemption, or subsequent transaction exemption.

21 "Federal financial institutions regulatory agencies" means
22 the Board of Governors of the Federal Reserve System, the
23 Federal Deposit Insurance Corporation, the Office of the
24 Comptroller of the Currency, the Consumer Financial Protection
25 Bureau, and the National Credit Union Administration.

26 "Federally related transaction" means any real

1 estate-related financial transaction in which a federal
2 financial institutions regulatory agency engages in, contracts
3 for, or regulates and requires the services of an appraiser.

4 "Financial institution" means any bank, savings bank,
5 savings and loan association, credit union, mortgage broker,
6 mortgage banker, licensee under the Consumer Installment Loan
7 Act or the Sales Finance Agency Act, or a corporate fiduciary,
8 subsidiary, affiliate, parent company, or holding company of
9 any such licensee, or any institution involved in real estate
10 financing that is regulated by state or federal law.

11 "Hybrid entity" means an appraisal management company that
12 hires an appraiser as an employee to perform an appraisal and
13 engages an independent contractor to perform an appraisal.

14 "License" means the privilege conferred by the Department
15 to a person that has fulfilled all requirements prerequisite
16 to any type of licensure under this Act.

17 "Licensee" means any person licensed under this Act.

18 "Multi-state licensing system" means a web-based platform
19 that allows an applicant to submit the application or license
20 renewal application to the Department online.

21 "Person" means an individual, entity, sole proprietorship,
22 corporation, limited liability company, partnership, and joint
23 venture, foreign or domestic, except that when the context
24 otherwise requires, the term may refer to more than one
25 individual or other described entity.

26 "Real estate" means an identified parcel or tract of land,

1 including any improvements.

2 "Real estate related financial transaction" means any
3 transaction involving:

4 (1) the sale, lease, purchase, investment in, or
5 exchange of real property, including interests in property
6 or the financing thereof;

7 (2) the refinancing of real property or interests in
8 real property; and

9 (3) the use of real property or interest in property
10 as security for a loan or investment, including mortgage
11 backed securities.

12 "Real property" means the interests, benefits, and rights
13 inherent in the ownership of real estate.

14 "Secretary" means the Secretary of Financial and
15 Professional Regulation or the Secretary's designee.

16 "State certified general real estate appraiser" means an
17 appraiser who holds a license of this classification under
18 this Act and such classification applies to the appraisal of
19 all types of real property without restrictions as to the
20 scope of practice.

21 "State certified residential real estate appraiser" means
22 an appraiser who holds a license of this classification under
23 this Act and such classification applies to the appraisal of
24 one to 4 units of residential real property without regard to
25 transaction value or complexity, but with restrictions as to
26 the scope of practice in a federally related transaction in

1 accordance with Title XI, the provisions of USPAP, criteria
2 established by the AQB, and further defined by rule.

3 "Supervising appraiser" means either (i) an appraiser who
4 holds a valid license under this Act as either a State
5 certified general real estate appraiser or a State certified
6 residential real estate appraiser, who co-signs an appraisal
7 report for an associate real estate trainee appraiser or (ii)
8 a State certified general real estate appraiser who holds a
9 valid license under this Act who co-signs an appraisal report
10 for a State certified residential real estate appraiser on
11 properties other than one to 4 units of residential real
12 property without regard to transaction value or complexity.

13 "Title XI" means Title XI of the federal Financial
14 Institutions Reform, Recovery, and Enforcement Act of 1989.

15 "USPAP" means the Uniform Standards of Professional
16 Appraisal Practice as promulgated by the Appraisal Standards
17 Board pursuant to Title XI and by rule.

18 "Valuation services" means services pertaining to aspects
19 of property value.

20 (Source: P.A. 102-20, eff. 1-1-22; 102-687, eff. 12-17-21;
21 102-970, eff. 5-27-22.)

22 (225 ILCS 458/5-25)

23 (Section scheduled to be repealed on January 1, 2027)

24 Sec. 5-25. Renewal of license.

25 (a) The expiration date and renewal period for a State

1 certified general real estate appraiser license or a State
2 certified residential real estate appraiser license issued
3 under this Act shall be set by rule. Except as otherwise
4 provided in subsections (b) and (f) of this Section, the
5 holder of a license may renew the license within 90 days
6 preceding the expiration date by:

7 (1) completing and submitting to the Department, or
8 through a multi-state licensing system as designated by
9 the Secretary, a renewal application form as provided by
10 the Department;

11 (2) paying the required fees; and

12 (3) providing evidence to the Department, or through a
13 multi-state licensing system as designated by the
14 Secretary, of successful completion of the continuing
15 education requirements through courses approved by the
16 Department from education providers licensed by the
17 Department, as established by the AQB and by rule.

18 (b) A State certified general real estate appraiser or
19 State certified residential real estate appraiser whose
20 license under this Act has expired may renew the license for a
21 period of 2 years following the expiration date by complying
22 with the requirements of paragraphs (1), (2), and (3) of
23 subsection (a) of this Section and paying any late penalties
24 established by rule.

25 (c) (Blank).

26 (d) The expiration date and renewal period for an

1 associate real estate trainee appraiser license issued under
2 this Act shall be set by rule. Except as otherwise provided in
3 subsections (e) and (f) of this Section, the holder of an
4 associate real estate trainee appraiser license may renew the
5 license within 90 days preceding the expiration date by:

6 (1) completing and submitting to the Department, or
7 through a multi-state licensing system as designated by
8 the Secretary, a renewal application form as provided by
9 the Department;

10 (2) paying the required fees; and

11 (3) providing evidence to the Department, or through a
12 multi-state licensing system as designated by the
13 Secretary, of successful completion of the continuing
14 education requirements through courses approved by the
15 Department from education providers approved by the
16 Department, as established by rule.

17 (e) Any associate real estate trainee appraiser whose
18 license under this Act has expired may renew the license for a
19 period of 2 years following the expiration date by complying
20 with the requirements of paragraphs (1), (2), and (3) of
21 subsection (d) of this Section and paying any late penalties
22 as established by rule.

23 (f) Notwithstanding subsections (c) and (e), an appraiser
24 whose license under this Act has expired may renew or convert
25 the license without paying any lapsed renewal fees or late
26 penalties if the license expired while the appraiser was:

1 (1) on active duty with the United States Armed
2 Services;

3 (2) serving as the Coordinator or an employee of the
4 Department who was required to surrender the license
5 during the term of employment.

6 Application for renewal must be made within 2 years
7 following the termination of the military service or related
8 education, training, or employment and shall include an
9 affidavit from the licensee of engagement.

10 (g) The Department shall provide reasonable care and due
11 diligence to ensure that each licensee under this Act is
12 provided with a renewal application at least 90 days prior to
13 the expiration date, but timely renewal or conversion of the
14 license prior to its expiration date is the responsibility of
15 the licensee.

16 (h) The Department shall not issue or renew a license if
17 the applicant or licensee has an unpaid fine or fee from a
18 disciplinary matter or from a non-disciplinary action imposed
19 by the Department until the fine or fee is paid to the
20 Department or the applicant or licensee has entered into a
21 payment plan and is current on the required payments.

22 (i) The Department shall not issue or renew a license if
23 the applicant or licensee has an unpaid fine or civil penalty
24 imposed by the Department for unlicensed practice until the
25 fine or civil penalty is paid to the Department or the
26 applicant or licensee has entered into a payment plan and is

1 current on the required payments.

2 (Source: P.A. 101-81, eff. 7-12-19; 102-20, eff. 1-1-22;
3 102-970, eff. 5-27-22.)

4 (225 ILCS 458/10-5)

5 (Section scheduled to be repealed on January 1, 2027)

6 Sec. 10-5. Scope of practice.

7 (a) This Act does not limit a State certified general real
8 estate appraiser's scope of practice in a federally related
9 transaction. A State certified general real estate appraiser
10 may independently provide appraisal services, review, or
11 consult related to any type of property for which there is
12 related experience or competency by the appraiser. All such
13 appraisal practice must be made in accordance with the
14 provisions of USPAP, criteria established by the AQB, and
15 rules adopted pursuant to this Act.

16 (b) A State certified residential real estate appraiser is
17 limited in scope of practice to the provisions of USPAP,
18 criteria established by the AQB, and the rules adopted
19 pursuant to this Act.

20 (c) A State certified residential real estate appraiser
21 must have a State certified general real estate appraiser who
22 holds a valid license under this Act co-sign all appraisal
23 reports on properties other than one to 4 units of residential
24 real property without regard to transaction value or
25 complexity.

1 (d) An associate real estate trainee appraiser is limited
2 in scope of practice in all transactions or appraisal reports
3 in accordance with the provisions of USPAP, this Act, and the
4 rules adopted pursuant to this Act. Notwithstanding the above,
5 the appraisal qualification board may establish alternative
6 experience requirements as an associate real estate trainee
7 appraiser that is adopted by rule. ~~In addition, an associate~~
8 ~~real estate trainee appraiser shall be required to have a~~
9 ~~State certified general real estate appraiser or State~~
10 ~~certified residential real estate appraiser who holds a valid~~
11 ~~license under this Act to co-sign all appraisal reports. A~~
12 ~~supervising appraiser may not supervise more than 3 associate~~
13 ~~real estate trainee appraisers at one time. Associate real~~
14 ~~estate trainee appraisers shall not be limited in the number~~
15 ~~of concurrent supervising appraisers. A chronological~~
16 ~~appraisal log on an approved log form shall be maintained by~~
17 ~~the associate real estate trainee appraiser and shall be made~~
18 ~~available to the Department upon request.~~

19 (Source: P.A. 102-20, eff. 1-1-22.)

20 (225 ILCS 458/10-10)

21 (Section scheduled to be repealed on January 1, 2027)

22 Sec. 10-10. Standards of practice. All persons licensed
23 under this Act must comply with standards of professional
24 appraisal practice adopted by the Department. The Department
25 must adopt, as part of its rules, the Uniform Standards of

1 Professional Appraisal Practice (USPAP) as published from time
2 to time by the Appraisal Standards Board of the Appraisal
3 Foundation. The Department shall consider federal laws and
4 regulations, including, but not limited to, appraisal
5 qualification board policies and guidelines, regarding the
6 licensure of real estate appraisers prior to adopting its
7 rules for the administration of this Act. When an appraisal
8 obtained through an appraisal management company is used for
9 loan purposes, the borrower or loan applicant shall be
10 provided with a written disclosure of the total compensation
11 to the appraiser or appraisal firm within the body of the
12 appraisal report and it shall not be redacted or otherwise
13 obscured.

14 (Source: P.A. 102-20, eff. 1-1-22.)

15 (225 ILCS 458/15-10)

16 (Section scheduled to be repealed on January 1, 2027)

17 Sec. 15-10. Grounds for disciplinary action.

18 (a) The Department may suspend, revoke, refuse to issue,
19 renew, or restore a license and may reprimand place on
20 probation or administrative supervision, or take any
21 disciplinary or non-disciplinary action, including imposing
22 conditions limiting the scope, nature, or extent of the real
23 estate appraisal practice of a licensee or reducing the
24 appraisal rank of a licensee, and may impose an administrative
25 fine not to exceed \$25,000 for each violation upon a licensee

1 or applicant under this Act or any person who holds oneself out
2 as an applicant or licensee for any one or combination of the
3 following:

4 (1) Procuring or attempting to procure a license by
5 knowingly making a false statement, submitting false
6 information, engaging in any form of fraud or
7 misrepresentation, or refusing to provide complete
8 information in response to a question in an application
9 for licensure.

10 (2) Failing to meet the minimum qualifications for
11 licensure as an appraiser established by this Act.

12 (3) Paying money, other than for the fees provided for
13 by this Act, or anything of value to a member or employee
14 of the Board or the Department to procure licensure under
15 this Act.

16 (4) Conviction of, or plea of guilty or nolo
17 contendere, as enumerated in subsection (e) of Section
18 5-22, under the laws of any jurisdiction of the United
19 States: (i) that is a felony, misdemeanor, or
20 administrative sanction or (ii) that is a crime that
21 subjects the licensee to compliance with the requirements
22 of the Sex Offender Registration Act.

23 (5) Committing an act or omission involving
24 dishonesty, fraud, or misrepresentation with the intent to
25 substantially benefit the licensee or another person or
26 with intent to substantially injure another person as

1 defined by rule.

2 (6) Violating a provision or standard for the
3 development or communication of real estate appraisals as
4 provided in Section 10-10 of this Act or as defined by
5 rule.

6 (7) Failing or refusing without good cause to exercise
7 reasonable diligence in developing, reporting, or
8 communicating an appraisal, as defined by this Act or by
9 rule.

10 (8) Violating a provision of this Act or the rules
11 adopted pursuant to this Act.

12 (9) Having been disciplined by another state, the
13 District of Columbia, a territory, a foreign nation, a
14 governmental agency, or any other entity authorized to
15 impose discipline if at least one of the grounds for that
16 discipline is the same as or the equivalent of one of the
17 grounds for which a licensee may be disciplined under this
18 Act.

19 (10) Engaging in dishonorable, unethical, or
20 unprofessional conduct of a character likely to deceive,
21 defraud, or harm the public.

22 (11) Accepting an appraisal assignment when the
23 employment itself is contingent upon the appraiser
24 reporting a predetermined estimate, analysis, or opinion
25 or when the fee to be paid is contingent upon the opinion,
26 conclusion, or valuation reached or upon the consequences

1 resulting from the appraisal assignment.

2 (12) Developing valuation conclusions based on the
3 race, color, religion, sex, national origin, ancestry,
4 age, marital status, family status, physical or mental
5 disability, sexual orientation, pregnancy, order of
6 protection status, military status, ~~or~~ unfavorable
7 military discharge, source of income, or any other
8 protected class as defined under the Illinois Human Rights
9 Act, of the prospective or present owners or occupants of
10 the area or property under appraisal.

11 (13) Violating the confidential nature of government
12 records to which the licensee gained access through
13 employment or engagement as an appraiser by a government
14 agency.

15 (14) Being adjudicated liable in a civil proceeding on
16 grounds of fraud, misrepresentation, or deceit. In a
17 disciplinary proceeding based upon a finding of civil
18 liability, the appraiser shall be afforded an opportunity
19 to present mitigating and extenuating circumstances, but
20 may not collaterally attack the civil adjudication.

21 (15) Being adjudicated liable in a civil proceeding
22 for violation of a state or federal fair housing law.

23 (16) Engaging in misleading or untruthful advertising
24 or using a trade name or insignia of membership in a real
25 estate appraisal or real estate organization of which the
26 licensee is not a member.

1 (17) Failing to fully cooperate with a Department
2 investigation by knowingly making a false statement,
3 submitting false or misleading information, or refusing to
4 provide complete information in response to written
5 interrogatories or a written request for documentation
6 within 30 days of the request.

7 (18) Failing to include within the certificate of
8 appraisal for all written appraisal reports the
9 appraiser's license number and licensure title. All
10 appraisers providing significant contribution to the
11 development and reporting of an appraisal must be
12 disclosed in the appraisal report. It is a violation of
13 this Act for an appraiser to sign a report, transmittal
14 letter, or appraisal certification knowing that a person
15 providing a significant contribution to the report has not
16 been disclosed in the appraisal report.

17 (19) Violating the terms of a disciplinary order or
18 consent to administrative supervision order.

19 (20) Habitual or excessive use or addiction to
20 alcohol, narcotics, stimulants, or any other chemical
21 agent or drug that results in a licensee's inability to
22 practice with reasonable judgment, skill, or safety.

23 (21) A physical or mental illness or disability which
24 results in the inability to practice under this Act with
25 reasonable judgment, skill, or safety.

26 (22) Gross negligence in developing an appraisal or in

1 communicating an appraisal or failing to observe one or
2 more of the Uniform Standards of Professional Appraisal
3 Practice.

4 (23) A pattern of practice or other behavior that
5 demonstrates incapacity or incompetence to practice under
6 this Act.

7 (24) Using or attempting to use the seal, certificate,
8 or license of another as one's own; falsely impersonating
9 any duly licensed appraiser; using or attempting to use an
10 inactive, expired, suspended, or revoked license; or
11 aiding or abetting any of the foregoing.

12 (25) Solicitation of professional services by using
13 false, misleading, or deceptive advertising.

14 (26) Making a material misstatement in furnishing
15 information to the Department.

16 (27) Failure to furnish information to the Department
17 upon written request.

18 (b) The Department may reprimand suspend, revoke, or
19 refuse to issue or renew an education provider's license, may
20 reprimand, place on probation, or otherwise discipline an
21 education provider and may suspend or revoke the course
22 approval of any course offered by an education provider and
23 may impose an administrative fine not to exceed \$25,000 upon
24 an education provider, for any of the following:

25 (1) Procuring or attempting to procure licensure by
26 knowingly making a false statement, submitting false

1 information, engaging in any form of fraud or
2 misrepresentation, or refusing to provide complete
3 information in response to a question in an application
4 for licensure.

5 (2) Failing to comply with the covenants certified to
6 on the application for licensure as an education provider.

7 (3) Committing an act or omission involving
8 dishonesty, fraud, or misrepresentation or allowing any
9 such act or omission by any employee or contractor under
10 the control of the provider.

11 (4) Engaging in misleading or untruthful advertising.

12 (5) Failing to retain competent instructors in
13 accordance with rules adopted under this Act.

14 (6) Failing to meet the topic or time requirements for
15 course approval as the provider of a qualifying curriculum
16 course or a continuing education course.

17 (7) Failing to administer an approved course using the
18 course materials, syllabus, and examinations submitted as
19 the basis of the course approval.

20 (8) Failing to provide an appropriate classroom
21 environment for presentation of courses, with
22 consideration for student comfort, acoustics, lighting,
23 seating, workspace, and visual aid material.

24 (9) Failing to maintain student records in compliance
25 with the rules adopted under this Act.

26 (10) Failing to provide a certificate, transcript, or

1 other student record to the Department or to a student as
2 may be required by rule.

3 (11) Failing to fully cooperate with an investigation
4 by the Department by knowingly making a false statement,
5 submitting false or misleading information, or refusing to
6 provide complete information in response to written
7 interrogatories or a written request for documentation
8 within 30 days of the request.

9 (c) In appropriate cases, the Department may resolve a
10 complaint against a licensee through the issuance of a Consent
11 to Administrative Supervision order. A licensee subject to a
12 Consent to Administrative Supervision order shall be
13 considered by the Department as an active licensee in good
14 standing. This order shall not be reported or considered by
15 the Department to be a discipline of the licensee. The records
16 regarding an investigation and a Consent to Administrative
17 Supervision order shall be considered confidential and shall
18 not be released by the Department except as mandated by law. ~~A~~
19 ~~complainant shall be notified if the complaint has been~~
20 ~~resolved by a Consent to Administrative Supervision order.~~

21 (Source: P.A. 102-20, eff. 1-1-22.)

22 (225 ILCS 458/15-15)

23 (Section scheduled to be repealed on January 1, 2027)

24 Sec. 15-15. Investigation; notice; hearing.

25 (a) Upon the motion of the Department or the Board or upon

1 a complaint in writing of a person setting forth facts that, if
2 proven, would constitute grounds for suspension, revocation,
3 or other disciplinary action, the Department shall investigate
4 the actions or qualifications of any person who is ~~against~~ a
5 licensee, ~~or~~ applicant for licensure, unlicensed person,
6 person rendering or offering to render appraisal services, or
7 holding or claiming to hold a license under this Act ~~the~~
8 ~~Department shall investigate the actions of the licensee or~~
9 ~~applicant.~~ If, upon investigation, the Department believes
10 that there may be cause for suspension, revocation, or other
11 disciplinary action, the Department shall use the services of
12 a State certified general real estate appraiser, a State
13 certified residential real estate appraiser, or the
14 Coordinator to assist in determining whether grounds for
15 disciplinary action exist prior to commencing formal
16 disciplinary proceedings.

17 (b) Formal disciplinary proceedings shall commence upon
18 the issuance of a written complaint describing the charges
19 that are the basis of the disciplinary action and delivery of
20 the detailed complaint to the address of record of the person
21 charged ~~licensee or applicant~~. For an associate real estate
22 trainee appraiser, a copy shall also be sent to the licensee's
23 supervising appraiser of record. The Department shall notify
24 the person ~~licensee or applicant~~ to file a verified written
25 answer within 20 days after the service of the notice and
26 complaint. The notification shall inform the person ~~licensee~~

1 ~~or applicant~~ of the right to be heard in person or by legal
2 counsel; that the hearing will be afforded not sooner than 20
3 days after service of the complaint; that failure to file an
4 answer will result in a default being entered against the
5 person licensee ~~or applicant~~; that the license may be
6 suspended, revoked, or placed on probationary status; and that
7 other disciplinary action may be taken pursuant to this Act,
8 including limiting the scope, nature, or extent of the
9 licensee's practice. If the person licensee ~~or applicant~~ fails
10 to file an answer after service of notice, the respective
11 license may, at the discretion of the Department, be
12 suspended, revoked, or placed on probationary status and the
13 Department may take whatever disciplinary action it deems
14 proper, including limiting the scope, nature, or extent of the
15 person's practice, without a hearing.

16 (c) At the time and place fixed in the notice, the Board
17 shall conduct hearing of the charges, providing both the
18 ~~accused~~ person charged and the complainant ample opportunity
19 to present in person or by counsel such statements, testimony,
20 evidence, and argument as may be pertinent to the charges or to
21 a defense thereto.

22 (d) The Board shall present to the Secretary a written
23 report of its findings of fact and recommendations. A copy of
24 the report shall be served upon the person licensee ~~or~~
25 ~~applicant~~, either ~~personally~~, by mail, or, at the discretion
26 of the Department, by electronic means. For associate real

1 estate trainee appraisers, a copy shall also be sent to the
2 licensee's supervising appraiser of record. Within 20 days
3 after the service, the person ~~licensee or applicant~~ may
4 present the Secretary with a motion in writing for a rehearing
5 and shall specify the particular grounds for the request. If
6 the person ~~accused~~ orders a transcript of the record as
7 provided in this Act, the time elapsing thereafter and before
8 the transcript is ready for delivery to the person ~~accused~~
9 shall not be counted as part of the 20 days. If the Secretary
10 is not satisfied that substantial justice has been done, the
11 Secretary may order a rehearing by the Board or other special
12 committee appointed by the Secretary, may remand the matter to
13 the Board for its reconsideration of the matter based on the
14 pleadings and evidence presented to the Board, or may enter a
15 final order in contravention of the Board's recommendation.
16 Notwithstanding a person's ~~licensee's or applicant's~~ failure
17 to file a motion for rehearing, the Secretary shall have the
18 right to take any of the actions specified in this subsection
19 (d). Upon the suspension or revocation of a license, the
20 licensee shall be required to surrender the respective license
21 to the Department, and upon failure or refusal to do so, the
22 Department shall have the right to seize the license.

23 (e) The Department has the power to issue subpoenas and
24 subpoenas duces tecum to bring before it any person in this
25 State, to take testimony, or to require production of any
26 records relevant to an inquiry or hearing by the Board in the

1 same manner as prescribed by law in judicial proceedings in
2 the courts of this State. In a case of refusal of a witness to
3 attend, testify, or to produce books or papers concerning a
4 matter upon which the witness might be lawfully examined, the
5 circuit court of the county where the hearing is held, upon
6 application of the Department or any party to the proceeding,
7 may compel obedience by proceedings as for contempt.

8 (f) Any license that is revoked may not be restored for a
9 minimum period of 3 years.

10 (g) In addition to the provisions of this Section
11 concerning the conduct of hearings and the recommendations for
12 discipline, the Department has the authority to negotiate
13 disciplinary and non-disciplinary settlement agreements
14 concerning any license issued under this Act. All such
15 agreements shall be recorded as Consent Orders or Consent to
16 Administrative Supervision Orders.

17 (h) The Secretary shall have the authority to appoint an
18 attorney duly licensed to practice law in the State of
19 Illinois to serve as the hearing officer in any action to
20 suspend, revoke, or otherwise discipline any license issued by
21 the Department. The Hearing Officer shall have full authority
22 to conduct the hearing.

23 (i) The Department, at its expense, shall preserve a
24 record of all formal hearings of any contested case involving
25 the discipline of a license. At all hearings or pre-hearing
26 conferences, the Department and the licensee shall be entitled

1 to have the proceedings transcribed by a certified shorthand
2 reporter. A copy of the transcribed proceedings shall be made
3 available to the licensee by the certified shorthand reporter
4 upon payment of the prevailing contract copy rate.

5 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22.)

6 (225 ILCS 458/25-10)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 25-10. Real Estate Appraisal Administration and
9 Disciplinary Board; appointment.

10 (a) There is hereby created the Real Estate Appraisal
11 Administration and Disciplinary Board. The Board shall be
12 composed of the Coordinator and 10 persons appointed by the
13 Governor. Members shall be appointed to the Board subject to
14 the following conditions:

15 (1) All appointed members shall have been residents
16 and citizens of this State for at least 5 years prior to
17 the date of appointment.

18 (2) The appointed membership of the Board should
19 reasonably reflect the geographic distribution of the
20 population of the State.

21 (3) Four appointed members shall have been actively
22 engaged and currently licensed as State certified general
23 real estate appraisers for a period of not less than 5
24 years.

25 (4) Three appointed members shall have been actively

1 engaged and currently licensed as State certified
2 residential real estate appraisers for a period of not
3 less than 5 years.

4 (5) One appointed member shall hold a valid license as
5 a real estate broker for at least 3 years prior to the date
6 of the appointment and shall hold either a valid State
7 certified general real estate appraiser license or a valid
8 State certified residential appraiser license issued under
9 this Act or a predecessor Act for a period of at least 5
10 years prior to the appointment.

11 (6) One appointed member shall be a representative of
12 a financial institution, as evidenced by proof of
13 employment with a financial institution.

14 (7) One appointed member shall represent the interests
15 of the general public. This member or the member's spouse
16 shall not be licensed under this Act nor be employed by or
17 have any financial interest in an appraisal business,
18 appraisal management company, real estate brokerage
19 business, or a financial institution.

20 In making appointments as provided in paragraphs (3) and
21 (4) of this subsection, the Governor shall give due
22 consideration to recommendations by members and organizations
23 representing the profession.

24 In making the appointments as provided in paragraph (5) of
25 this subsection, the Governor shall give due consideration to
26 the recommendations by members and organizations representing

1 the real estate industry.

2 In making the appointment as provided in paragraph (6) of
3 this subsection, the Governor shall give due consideration to
4 the recommendations by members and organizations representing
5 financial institutions.

6 (b) The members' terms shall be for 4 years or until a
7 successor is appointed. No member shall be reappointed to the
8 Board for a term that would cause the member's cumulative
9 service to the Board to exceed 12 ~~10~~ years. Appointments to
10 fill vacancies shall be for the unexpired portion of the term.

11 (c) The Governor may terminate the appointment of a member
12 for cause that, in the opinion of the Governor, reasonably
13 justifies the termination. Cause for termination may include,
14 without limitation, misconduct, incapacity, neglect of duty,
15 or missing 4 Board meetings during any one fiscal year.

16 (d) A majority of the Board members shall constitute a
17 quorum. A vacancy in the membership of the Board shall not
18 impair the right of a quorum to exercise all of the rights and
19 perform all of the duties of the Board.

20 (e) The Board shall meet at least monthly and may be
21 convened by the Chairperson, Vice-Chairperson, or 3 members of
22 the Board upon 10 days written notice.

23 (f) The Board shall, annually at the first meeting of the
24 fiscal year, elect a Chairperson and Vice-Chairperson from its
25 members. The Chairperson shall preside over the meetings and
26 shall coordinate with the Coordinator in developing and

1 distributing an agenda for each meeting. In the absence of the
2 Chairperson, the Vice-Chairperson shall preside over the
3 meeting.

4 (g) The Coordinator shall serve as a member of the Board
5 without vote.

6 (h) The Board shall advise and make recommendations to the
7 Department on the education and experience qualifications of
8 any applicant for initial licensure as a State certified
9 general real estate appraiser or a State certified residential
10 real estate appraiser. The Department shall not make any
11 decisions concerning education or experience qualifications of
12 an applicant for initial licensure as a State certified
13 general real estate appraiser or a State certified residential
14 real estate appraiser without having first received the advice
15 and recommendation of the Board and shall give due
16 consideration to all such advice and recommendations; however,
17 if the Board does not render advice or make a recommendation
18 within a reasonable amount of time, then the Department may
19 render a decision.

20 (i) Except as provided in Section 15-17 of this Act, the
21 Board shall hear and make recommendations to the Secretary on
22 disciplinary matters that require a formal evidentiary
23 hearing. The Secretary shall give due consideration to the
24 recommendations of the Board involving discipline and
25 questions involving standards of professional conduct of
26 licensees.

1 (j) The Department shall seek and the Board shall provide
2 recommendations to the Department consistent with the
3 provisions of this Act and for the administration and
4 enforcement of all rules adopted pursuant to this Act. The
5 Department shall give due consideration to such
6 recommendations prior to adopting rules.

7 (k) The Department shall seek and the Board shall provide
8 recommendations to the Department on the approval of all
9 courses submitted to the Department pursuant to this Act and
10 the rules adopted pursuant to this Act. The Department shall
11 not approve any courses without having first received the
12 recommendation of the Board and shall give due consideration
13 to such recommendations prior to approving and licensing
14 courses; however, if the Board does not make a recommendation
15 within a reasonable amount of time, then the Department may
16 approve courses.

17 (l) Each voting member of the Board may receive a per diem
18 stipend in an amount to be determined by the Secretary. While
19 engaged in the performance of duties, each member shall be
20 reimbursed for necessary expenses.

21 (m) Members of the Board shall be immune from suit in an
22 action based upon any disciplinary proceedings or other acts
23 performed in good faith as members of the Board.

24 (n) If the Department disagrees with any advice or
25 recommendation provided by the Board under this Section to the
26 Secretary or the Department, then notice of such disagreement

1 must be provided to the Board by the Department.

2 (o) (Blank).

3 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22.)

4 Section 35. The Appraisal Management Company Registration
5 Act is amended by changing Sections 65, 75, and 95 as follows:

6 (225 ILCS 459/65)

7 Sec. 65. Disciplinary actions.

8 (a) The Department may refuse to issue or renew, or may
9 revoke, suspend, place on probation, reprimand, or take other
10 disciplinary or non-disciplinary action as the Department may
11 deem appropriate, including imposing fines not to exceed
12 \$25,000 for each violation upon any registrant or applicant
13 under this Act or entity who holds oneself or itself out as an
14 applicant or registrant, ~~with regard to any registration~~ for
15 any one or combination of the following:

16 (1) Material misstatement in furnishing information to
17 the Department.

18 (2) Violations of this Act, or of the rules adopted
19 under this Act.

20 (3) Conviction of, or entry of a plea of guilty or nolo
21 contendere to any crime that is a felony under the laws of
22 the United States or any state or territory thereof or
23 that is a misdemeanor of which an essential element is
24 dishonesty, or any crime that is directly related to the

1 practice of the profession.

2 (4) Making any misrepresentation for the purpose of
3 obtaining registration or violating any provision of this
4 Act or the rules adopted under this Act pertaining to
5 advertising.

6 (5) Professional incompetence.

7 (6) Gross malpractice.

8 (7) Aiding or assisting another person in violating
9 any provision of this Act or rules adopted under this Act.

10 (8) Failing, within 30 days after requested, to
11 provide information in response to a written request made
12 by the Department.

13 (9) Engaging in dishonorable, unethical, or
14 unprofessional conduct of a character likely to deceive,
15 defraud, or harm the public.

16 (10) Discipline by another state, District of
17 Columbia, territory, or foreign nation, if at least one of
18 the grounds for the discipline is the same or
19 substantially equivalent to those set forth in this
20 Section.

21 (11) A finding by the Department that the registrant,
22 after having the registrant's ~~his or her~~ registration
23 placed on probationary status, has violated the terms of
24 probation.

25 (12) Willfully making or filing false records or
26 reports in the registrant's ~~his or her~~ practice,

1 including, but not limited to, false records filed with
2 State agencies or departments.

3 (13) Filing false statements for collection of fees
4 for which services are not rendered.

5 (14) Practicing under a false or, except as provided
6 by law, an assumed name.

7 (15) Fraud or misrepresentation in applying for, or
8 procuring, a registration under this Act or in connection
9 with applying for renewal of a registration under this
10 Act.

11 (16) Being adjudicated liable in a civil proceeding
12 for violation of a state or federal fair housing law.

13 (17) Failure to obtain or maintain the bond required
14 under Section 50 of this Act.

15 (18) Failure to pay appraiser panel fees or appraisal
16 management company national registry fees.

17 (19) Violating the terms of any order issued by the
18 Department.

19 (b) The Department may refuse to issue or may suspend
20 without hearing as provided for in the Civil Administrative
21 Code of Illinois the registration of any person who fails to
22 file a return, or to pay the tax, penalty, or interest shown in
23 a filed return, or to pay any final assessment of the tax,
24 penalty, or interest as required by any tax Act administered
25 by the Illinois Department of Revenue, until such time as the
26 requirements of any such tax Act are satisfied.

1 (c) An appraisal management company shall not be
2 registered or included on the national registry if the
3 company, in whole or in part, directly or indirectly, is owned
4 by a person who has had an appraiser license or certificate
5 refused, denied, canceled, surrendered in lieu of revocation,
6 or revoked under the Real Estate Appraiser Licensing Act of
7 2002 or the rules adopted under that Act, or similar
8 discipline by another state, the District of Columbia, a
9 territory, a foreign nation, a governmental agency, or an
10 entity authorized to impose discipline if at least one of the
11 grounds for that discipline is the same as or the equivalent of
12 one of the grounds for which a licensee may be disciplined as
13 set forth under this Section.

14 (Source: P.A. 100-604, eff. 7-13-18; 101-81, eff. 7-12-19.)

15 (225 ILCS 459/75)

16 Sec. 75. Investigations; notice and hearing. The
17 Department may investigate the actions of any person who is an
18 applicant or of any person or persons rendering or offering to
19 render any services requiring registration under this Act or
20 any person holding or claiming to hold a registration as an
21 appraisal management company. The Department shall, before
22 revoking, suspending, placing on probation, reprimanding, or
23 taking any other disciplinary or non-disciplinary action under
24 Section 65 of this Act, at least 30 days before the date set
25 for the hearing, (i) notify the person charged ~~accused~~ in

1 writing of the charges made and the time and place for the
2 hearing on the charges, (ii) direct the person ~~him or her~~ to
3 file a written answer to the charges with the Department under
4 oath within 20 days after ~~the service on him or her~~ of the
5 notice, and (iii) inform the person ~~accused~~ that, if the
6 person ~~he or she~~ fails to answer, default will be entered ~~taken~~
7 ~~against him or her~~ or that the person's ~~his or her~~ registration
8 may be suspended, revoked, placed on probationary status, or
9 other disciplinary action taken with regard to the
10 registration, including limiting the scope, nature, or extent
11 of the person's ~~his or her~~ practice, as the Department may
12 consider proper. At the time and place fixed in the notice, the
13 Department shall proceed to hear the charges and the parties
14 or their counsel shall be accorded ample opportunity to
15 present any pertinent statements, testimony, evidence, and
16 arguments. The Department may continue the hearing from time
17 to time. In case the person, after receiving the notice, fails
18 to file an answer, the person's ~~his or her~~ registration may, in
19 the discretion of the Department, be suspended, revoked,
20 placed on probationary status, or the Department may take
21 whatever disciplinary action considered proper, including
22 limiting the scope, nature, or extent of the person's practice
23 or the imposition of a fine, without a hearing, if the act or
24 acts charged constitute sufficient grounds for that action
25 under this Act. The written notice may be served by ~~personal~~
26 ~~delivery or by certified~~ mail or electronic mail to the last

1 address of record or email address of record as provided to
2 ~~specified by the accused in his or her last notification with~~
3 the Department.

4 (Source: P.A. 97-602, eff. 8-26-11.)

5 (225 ILCS 459/95)

6 Sec. 95. Findings and recommendations. At the conclusion
7 of the hearing, the designated hearing officer shall present
8 to the Secretary a written report of ~~his or her~~ findings of
9 fact, conclusions of law, and recommendations. The report
10 shall contain a finding whether or not the ~~accused~~ person
11 charged violated this Act or its rules or failed to comply with
12 the conditions required in this Act or its rules. The hearing
13 officer shall specify the nature of any violations or failure
14 to comply and shall make ~~his or her~~ recommendations to the
15 Secretary. In making recommendations for any disciplinary
16 actions, the hearing officer may take into consideration all
17 facts and circumstances bearing upon the reasonableness of the
18 conduct of the person charged ~~accused~~ and the potential for
19 future harm to the public, including, but not limited to,
20 previous discipline ~~of the accused~~ by the Department, intent,
21 degree of harm to the public and likelihood of harm in the
22 future, any restitution made ~~by the accused~~, and whether the
23 incident or incidents contained in the complaint appear to be
24 isolated or represent a continuing pattern of conduct. In
25 making ~~his or her~~ recommendations for discipline, the hearing

1 officer shall endeavor to ensure that the severity of the
2 discipline recommended is reasonably related to the severity
3 of the violation. The report of findings of fact, conclusions
4 of law, and recommendation of the hearing officer shall be the
5 basis for the Department's order refusing to issue, restore,
6 or renew a registration, or otherwise disciplining a person
7 ~~registrant~~. If the Secretary disagrees with the
8 recommendations of the hearing officer, the Secretary may
9 issue an order in contravention of the hearing officer
10 recommendations. The finding is not admissible in evidence
11 against the person in a criminal prosecution brought for a
12 violation of this Act, but the hearing and finding are not a
13 bar to a criminal prosecution brought for a violation of this
14 Act.

15 (Source: P.A. 97-602, eff. 8-26-11.)

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